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## THE VIRGINIA DECLARATION OF INDEPENDENCE

A GROUP OF VIRGINIA STATESMEN

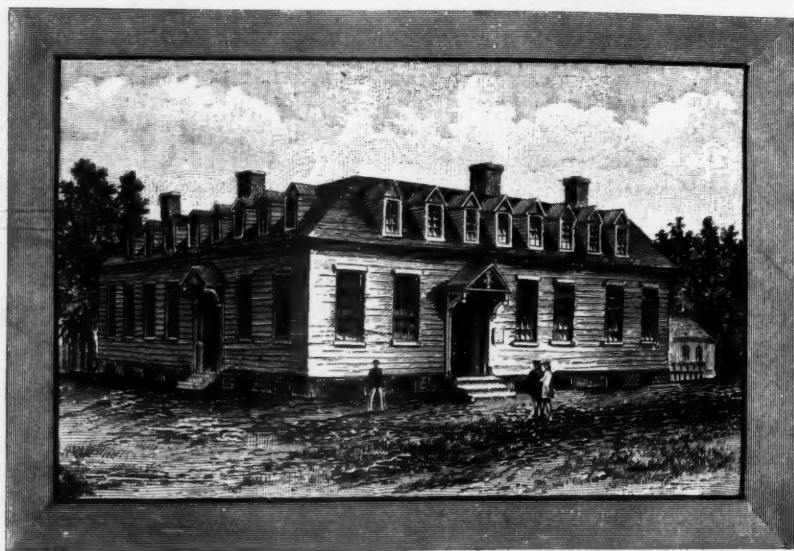
THE Virginia Convention, which assembled at Williamsburg in May, 1776, committed the whole country to revolution. If a "properly limited" monarchy is the best form of government and was still attainable, the statesmen of the time blundered. If a properly limited republic, which they had in view, is the best, they were the soundest political thinkers of history. Their action precipitated the issue. A small body of farmers in a provincial town not only declared war against an empire, but brought on the definite conflict between the monarchic and republican ideas, which is the great political feature of the modern world.

The phrase "properly limited" was used by Jefferson in a letter to John Randolph in August, 1775. "I would rather be in dependence on Great Britain properly limited," he said, "than upon any other nation upon earth, *or than on no nation.*" Thus the statesman of more advanced views, perhaps, than any of his contemporaries, thought on the very threshold of the revolution, that a limited monarchy was to be preferred to a republic. Within less than a year he and nearly all other Americans had made up their minds that a republic was best; and the result was a new departure of the human race. The revolution followed, and if it had failed the whole current of modern history would have set in another direction. It was an open trial of strength between the Old World and the New. When the representatives of the people of Virginia asserted that "All power is vested in and consequently derived from the people," and, after directing their delegates in Congress to propose a general declaration of independence, proceeded to declare Virginia an independent Commonwealth, and adopt a republican constitution, the two conflicting principles of government had come to deadly issue, and nothing but the appeal to arms could decide it.

This action of the Virginia Convention, which brought on the armed struggle with Great Britain, may be summed up in a few words. The first step was taken on the 15th of May, and the last on the 29th of June, 1776.

I. The Virginia delegates in Congress were instructed "to propose to that respectable body to declare the United Colonies free and independent States."

II. A "Declaration of Rights made by the Good People of Virginia," laying down the fundamental principles of republican government, was made—the first written charter of equal rights in history.



THE OLD RALEIGH TAVERN.

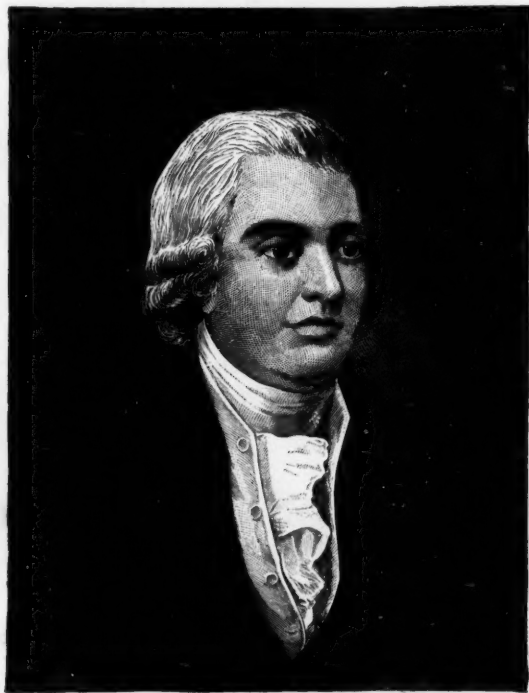
*(As it appeared during the Revolution. From an antique print.)*

III. All further political connection between Virginia and Great Britain was declared to be "totally dissolved."

IV. A Constitution for the Commonwealth of Virginia was adopted without conditions looking to its abrogation, and asserting the claim of absolute sovereignty—"the first written Constitution of a free State in the annals of the world."

The incidents surrounding this great proclamation of human rights, and the real characters of the men who made it, deserve attention. It is doubtful whether many besides students are familiar with the subject ;

and, worse still, the men themselves have been persistently misrepresented. Historians, as well as the writers of polemic, have conspired to caricature them, and the student, in order to arrive at the truth, is compelled to clear away a great mass of misstatements. Virginia historians have led the way in casting slurs upon their ancestors. Mr. Jefferson



*Ben Harrison*

began the work. He described the planters in favor of deliberate action as mere "cyphers of aristocracy," who were behind the times; and Mr. Wirt, in his *Life of Henry*, gladly took up the cry that the opponents of the great orator were laggards. Mr. Burk, a passionate radical and admirer of Jefferson, echoed the same views; Mr. Campbell and others followed him; and Mr. Grigsby violently repudiated the idea that the planter or cavalier element amounted to anything in Virginia society or

affairs. "Miserable figment! outrageous calumny!" he exclaimed, with indignation; "the Cavalier was a compound slave—a slave to the King and a slave to the Church! I look with contempt on the miserable figment which seeks to trace the distinguishing points of the Virginia character to the influence of those butterflies of the British aristocracy, who came over to the colony to feed on whatever crumbs they might gather in some petty office."

Thus the great Virginia leaders, if we are to listen to the historians,



APOLLO ROOM OF THE RALEIGH TAVERN.

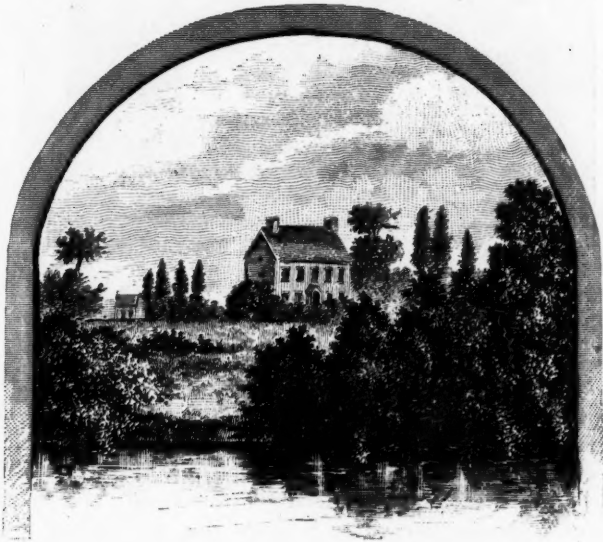
were ciphers or butterflies; for nothing is more certain than that the men who directed the revolutionary outburst in Virginia were Cavaliers, or Church and King's men.\* Their critics represent them as having been hostile from habit and conviction to popular right. At least, the slaves of Church and King did a good work in their generation, since they proclaimed religious freedom, overthrew monarchy, and established republican government.

The time has come now when it is incumbent on historical writers to no longer follow each other like a flock of sheep. More accurate study of the original records has shown the futility of these stereotyped views.

\* Bishop Meade, in his "Old Churches," makes the remarkable statement: "From our examination of the old vestry books, we are convinced that there are not three on this list (of the members of the Convention of 1776) who were not vestrymen of the Episcopal Church."



Those old Virginians were not "pieces of perfection," and had a great many faults, like other people; but the historians ought to have understood that they were neither ciphers nor butterflies, and that the "high pride" justly attributed to them was the origin of their resistance to wrong. No men oppose an invasion of their rights more stubbornly than those who possess this personal pride; the habit of command makes them the last people to submit to it. The Virginia planters were English subjects, and until the end of 1775 never wished to be anything else. Even Jefferson, the revo-



BERKELEY

*Residence of Benjamin Harrison. Birthplace of President William Henry Harrison.*

lutionist, preferred dependence, he said, on Great Britain rather than on any other nation, "or than on no nation," if the rights of the Americans were respected. When it was seen that these rights were to be disregarded by the Mother Country, the "compound slaves, cyphers and butterflies," of the historical imagination, not only resisted the wrong, but became the leaders of the revolutionary movement which resulted in the independence of the whole country.

These facts are so plain from the records that it is surprising to find writers asserting the contrary. The explanation is personal prejudice, either of race or opinion—but neither should be an apology for distorting



OLD CAPITOL.

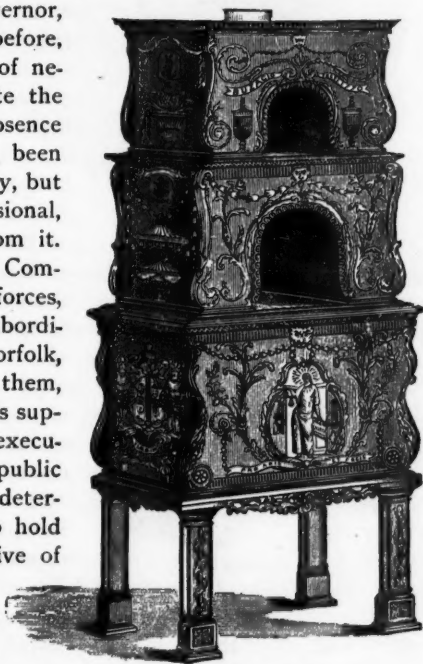
*"The focus of Rebellion in Virginia."*

history. The present article aims at giving, without fear or favor, the real likenesses of the Virginia leaders; and the material for their portraits fortunately exists. It is not to be found in the general histories, but in detached memoirs, the private correspondence of the time, and in authentic tradition handed down from father to son. The events are also framed in the contemporary details, and are best understood from them; and in embodying these forgotten details, the writer believes that he is doing a service to history.

When the Virginia Convention met, American affairs had reached a crisis. The country had drifted into war, and it was raging without any formal declaration of hostilities. It had begun at Concord a year before; fighting had followed in Canada; and Lord Howe was now moving from Boston followed by Washington, who was hastening to the defence of New York. The country was thus in flagrant war, and the *status* of the colonies remained undefined—were the Americans fighting for their rights to be regarded as rebels or as belligerents? The time had come to decide that question, and the leaders felt the enormous responsibility resting upon them. It was a question of life and death; for nothing was more certain than the fate of the country as conquered territory. The absolute subjection of the entire population to a King and Parliament inflamed by hate;

the halter for the leaders; the confiscation of private property; the grinding despotism which was sure to be visited on the revolted provinces to punish them—these were the certain results of an unsuccessful struggle. There was long hesitation before the boldest determined to take the last step. A few lines from a private letter of Thomas Nelson, a member of the Virginia Convention, written early in May, 1776, probably record the sentiment of the leaders in all the colonies at the moment. "My thoughts have been sorely employed," he wrote, "on the great question whether independence ought, or ought not, to be immediately declared. Having weighed the arguments on both sides, I am clearly of opinion that we must, as we value the liberties of America, or even her existence, without a moment's delay declare for independence." These patriotic words, as will now be seen, expressed the general conviction. The leaders of the Virginia people, long waiting, saw that the moment had come; and the condition of affairs in the colony called especially for prompt action.

Lord Dunmore, the royal governor, had fled from the capital a year before, and at the head of a motley rout of negroes and rabble, was laying waste the banks of the Chesapeake. In the absence of an executive, the colony had been governed by a Committee of Safety, but this organization was merely provisional, and trouble had already arisen from it. Patrick Henry had been appointed Commander-in-chief of the Virginia forces, and when the committee sent a subordinate officer to attack Dunmore at Norfolk, with orders to report directly to them, Henry bitterly protested against this supposed slight. A fully empowered executive was plainly essential to the public welfare, and it was necessary to determine by what authority he was to hold his office. If as the representative of George III. there was an end to all further discussion. If as the representative of the Virginia people, and of them alone, the fact ought to be authoritatively proclaimed;



THE OLDEST STOVE IN AMERICA.  
(Imported from England in 1770.)

and the appointment of such an executive necessarily involved the establishment of a government under which he was to act.

The Convention met at Williamsburg on May 6, 1776, and held its sessions in the historic "Old Capitol," which had been the scene of so many struggles, among the rest of that on the Stamp Act. This building, which was of considerable size and pretension for the time, stood at one end of Duke of Gloucester Street, the main thoroughfare of the provincial capital. In shape it resembled an H, a covered gallery thirty feet in length, surmounted by a cupola and clock, connecting the two wings. The fronts on each

side were approached through lofty porticoes, with iron balconies above; and double doors, each six feet wide, gave access to the hall of the Convention, and the corresponding room in the opposite wing, which was that of the General Court. The hall was fifty feet long and twenty-five feet wide, with a floor of flagstones. The Speaker's chair stood on a dais, with a red curtain supported by a gilded rod behind it; and the clerk's desk was below, with the silver mace lying upon it whenever the body was in full session. To complete this sketch of the historic hall of the old House of Burgesses, the members sat on chairs or benches, and the room was heated by an ancient and curious stove, which, with the Speaker's chair and curtain, may still be seen in the Capitol at Richmond.

The time had been when, at the summons of the royal governors, the Burgesses marched in procession to the Council Chamber above—to be received with cordial respect if the governor's name was Fauquier or Botetourt, or with scowls and reprimands if his name was Dunmore. Times had changed now, and when Patrick



THE SPEAKER'S CHAIR.

[Engraved from a photograph.]

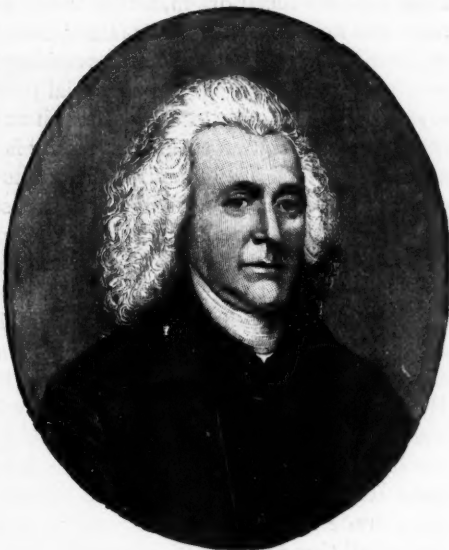
Henry came to take the seat of Dunmore, as he soon did, that ceremony went with other things into the past.

The Convention began its session with a great crowd looking on from the lobby and gallery; and Edmund Pendleton was elected to preside over

it. As President of the Committee of Safety, he had been held responsible for the alleged slight offered Patrick Henry, and the friends of the latter nominated Thomas Ludwell Lee. Pendleton's "fortunate star" prevailed, and he was elected and addressed the Convention, after which the body proceeded to the work before it. The work was hard and thoroughly performed, as a private letter of the time shows. The committees met at seven in the morning, and sat until nine; then the Convention assembled, and, with a brief intermission for dinner, sat until ten at night. From the first day of the session the main business for which they had come together absorbed them; and on the 15th of May the first great step was taken. Thomas Nelson on that day presented to the Convention, sitting as a Committee of the Whole House, a preamble and resolutions written by Edmund Pendleton. The preamble recited the wrongs of the colonies, and the first resolution instructed the Virginia delegates in Congress "to propose to that respectable body to declare the United colonies free and independent States, absolved from all allegiance to, or dependence upon, the crown or parliament of Great Britain; and that they give the assent of the Colony to such declaration." The second resolution was for the appointment of a committee "to prepare a Declaration of Rights, and such a plan of government as will be most likely to maintain peace and order in this Colony, and secure substantial and equal liberty to the people."

These resolutions passed the Convention by a unanimous vote—"the opponents being so few," wrote George Mason to Richard Henry Lee, "that they did not think fit to divide or contradict the general voice."

Patrick Henry had supported the resolutions with all the fire of his wonderful eloquence, and thus the names of Pendleton, Nelson and Henry are inseparably connected with this first great step inaugurating revolution.



EDMUND PENDLETON.

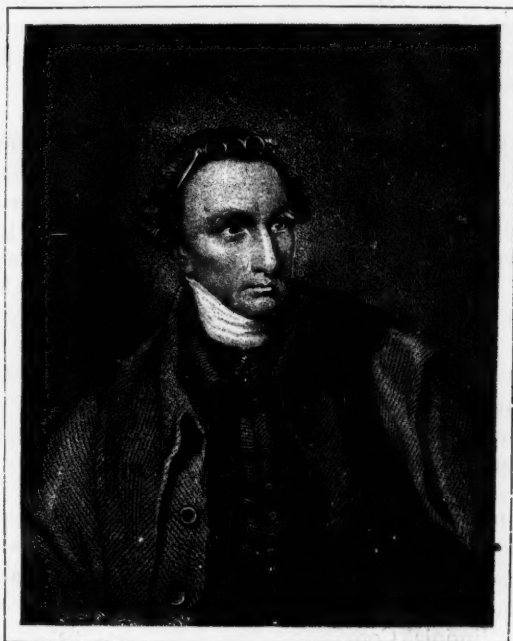


Henry's career is so familiar that only a few personal details in reference to him need be presented; as some of them have never before been published, they may interest the reader. There exists a very prevalent error as to his social origin, which is said to have been ignoble. This statement has no foundation. His father, Colonel Henry, was a gentleman of respectability, a classical scholar, a presiding magistrate when that office was only conferred upon persons of social position, and a good churchman and royalist who "drank the King's health at the head of his regiment." Another error in relation to Patrick Henry is his supposed want of education, and Mr. Wirt dwells upon all these points as tending to enhance the splendor of his genius. Unfortunately, the statements are all untrue. The famous "Man of the People" and "Prophet of Revolution," as his contemporaries styled him, was not uneducated, any more than he was of low origin. On the contrary, he was so well educated that at fifteen he read Livy and Virgil in the original, and his "standard volume" throughout life was that difficult book, Butler's *Analogy of Religion*. He remained a poor scholar for no other reason than that he had little taste for reading. He was also indolent by nature, and only capable of sustained exertion when his interest was excited. The fact explains the early failures so much dwelt upon by Mr. Wirt. He failed in farming because he had no taste for agriculture, and became bankrupt as a country store-keeper because trade was equally repugnant to him. This is the sufficient explanation of all those idle hunting and fishing excursions, the violin playing and story telling when he ought to have been attending to his business, which his biographers have so much emphasized as a contrast to his subsequent career. Like other human beings, he avoided what was disagreeable to him and turned to what was agreeable. He was a natural and genuine man; loved plain company and rustic humor; and was once discovered, when he was old and famous, lying on his back and playing his violin for a crowd of children tumbling over him—traits attributable, one and all, to his strong human sympathies. There is nothing to show that he was considered by his contemporaries a rude or ignorant person. From some chance phrases in his private letters he seems to have shared Jefferson's distrust of the planter class; but the old "nabobs" were not so absurd as to regard him as their social inferior.

His wonderful oratory made him a thousand times their superior. By the common consent of all his contemporaries his eloquence was indescribable; and even Jefferson, who indulged in somewhat undemocratic sneers at his origin, said that "he spoke as Homer wrote." Mr. Wirt has cast a doubt by his rhetoric upon this point as upon others. His exag-



generation enfeebles the delineation. But enough has been established to make it certain that Patrick Henry was one of the two or three greatest orators of the world. One of his contemporaries, who had often felt the spell of his eloquence, declared that his force lay rather in his manner than



A stylized signature of Patrick Henry, written in cursive. The signature is "P. Henry" and is underlined with a horizontal line.

*(From the Portrait by Sully.)*

in his matter—"in the greatness of his emotion and passion, the matchless perfection of the organs of expression; the intonation, pause, gesture, attitude, and indescribable play of countenance." It is certain that he swayed every assembly which he addressed, apparently at his pleasure. Whenever he was fully aroused he overthrew all opposition, and forced his

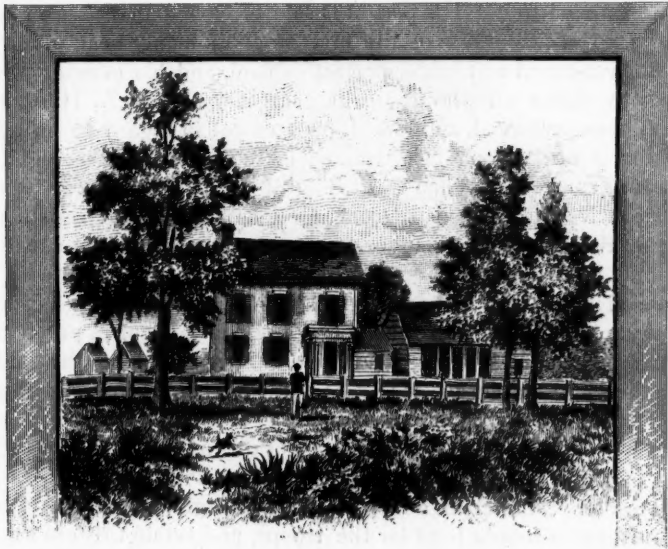
listeners as from a species of magnetism to accept his views as the only true ones. Any comparison of him with the very greatest of his contemporaries, would only establish their inferiority. His superiority was acknowledged. When he rose in Congress and exclaimed, "British oppression has effaced the boundaries of the several colonies—the distinctions between Virginians, Pennsylvanians, New Yorkers, and New Englanders are no more—I am not a Virginian but an American!" his listeners are said to have declared him the greatest public speaker on the continent.

No writer speaking of Henry should omit to notice his devout piety. He wrote in his will, "I have now disposed of all my property to my family: there is one thing more I wish I could give them, and that is the Christian religion. If they have that, and I had not given them one shilling they would be rich: and if they have not that, and I had given them all this world, they would be poor." In person Henry was tall, ungraceful, and stooped. His eyes were blue, his expression grave, and he wore buckskin short-clothes, yarn stockings, and a wig without powder. These details are set down as parts of the personal portrait of one in reference to whom every trifle must interest—for this man changed the destiny of the North American Continent.

In the Convention which had now assembled Henry was naturally one of the foremost advocates of decisive action. This had been his one idea throughout his whole career—in his first speech in the Parsons' Cause, his resolutions against the Stamp Act, and his great outburst in the Convention of 1775, when he had exclaimed, "The war is inevitable—let it come!" A year had passed and events had shown that his passionate appeals were wiser than moderate counsels. The country was plunged into war, and the Virginia Convention had again met to decide upon the course of Virginia. When the resolution was introduced instructing the delegates of the colony in Congress to propose independence, Henry ardently supported it, and his speech is said to have been the great feature of the debate. The discussion, however, was brief. The party for deliberate action had at last joined hands with the extreme revolutionists—a fact sufficiently plain since the resolutions had been written by Edmund Pendleton.

Pendleton was the leader of the party for deliberate action. He belonged to a "good family fallen to decay," as he wrote in his old age, the first of whom had come to Virginia about a century before, and in his boyhood was left an orphan without resources. His poor estate soon changed. He worked industriously and bought books, became clerk of Caroline Court, then a member of the bar, and entering the Burgesses at

about thirty, soon rose to distinction. The whole constitution of his mind was opposed to revolution and separation from England. He was a devoted and ardent churchman, believed that a leveling democracy was dangerous to society, and "had that intuitive love of prescription, so marked a trait in the eminent lawyers of England." Like Washington and many other eminent men of the time, he hoped and believed that American wrongs would be redressed ; but finding this hope vain, he "opposed the violent who were for plunging us into rash measures" with the



SEAT OF PATRICK HENRY.

*(From a Picture in Howe's Historical Collections of Virginia.)*

view to "raise the spirits of the timid to a general united opposition." The policy here set forth in his own words, in his latter years, was that which made him the leader of the planter class, to which he belonged. He and they were the "slaves of Church and King" so bitterly denounced ; and as the representative of the views of that influential class the most responsible positions were accorded to him as of right. He was made president of nearly all the conventions ; represented Virginia in the General Congress ; and at the most critical moment of the struggle, when there was no executive and all was in confusion, was appointed President of the Com-

mittee of Safety which held control of the purse and sword of the Commonwealth.\*

Pendleton's distinction in the eyes of the community was rather that of the statesman and juriconsult than of the public speaker; but in this direction also he was one of the most eminent men of his epoch. Jefferson, his bitter opponent on the social questions of the time, said that he was "the ablest man in debate he had ever met with;" and Mr. Wirt, on the authority of tradition, characterized his oratory as "a perennial stream of transparent, cool and sweet elocution," which carried persuasion to all who listened to it. His person is said to have added to the effect of his oratory. His face was "of the first order of manly beauty, his voice clear and silver-toned and under perfect control, and his manner so fascinating as to charm all who came in contact with him." His portrait, which has been preserved, supports the statement in regard to his appearance. It is a fine, strong face, framed in a flowing peruke, and full of mildness and courtesy. When this leader of the party who may be styled the conservative revolutionists, went foremost for armed resistance by drawing up the resolutions inaugurating it, the temper of the entire Convention may be understood.†

Thomas Nelson, who was selected to present the resolutions, belonged to a family many members of which had been prominent in public affairs under the old colonial *régime*. As yet unknown beyond the limits of Virginia, he was to secure three titles to wide distinction—as one of the signers of the Declaration of Independence, as Governor of Virginia, and as Commander of the Virginia forces at Yorktown, where he directed with his own hands the American fire on the Nelson house in the town. His memory has a peculiar claim on the people of Virginia, since he ruined his private fortune to supply food for the troops, and retain them in the field. A tardy acknowledgment of his patriotism was the erection of the bronze statue of him at Richmond. It represents accurately, in the broad brow, the firm lips and the resolute attitude of the figure, a man whose name belongs to the roll of illustrious Virginians.

The three persons here selected from the group of celebrities for special notice, were those most directly connected with the resolution for independence. The resolution passed the Convention by a unanimous

\* The names of this *corps d'élite* of revolutionary worthies ought not to be forgotten. They were Edmund Pendleton, George Mason, John Page, Richard Bland, Thomas Ludwell Lee, Paul Carrington, Dudley Digges, William Cabell, Carter Braxton, James Mercer, and John Tabb.

† Edmund Pendleton was a brother of Nathaniel Pendleton, the second of Hamilton in his duel with Burr.

vote, was at once transmitted to the delegates in Philadelphia, and the Convention then proceeded to a step more important than any before taken—that of declaring Virginia an independent Commonwealth in advance of the action of the general Congress.

The dates of the great events of this critical period will show their relation to each other.



*Thos Nelson Jr.*

On June 7th, Richard Henry Lee, in obedience to the Virginia instructions, moved in Congress: "That these United Colonies are and ought to be free and independent States, and that all political connection between them and the State of Great Britain is and ought to be totally dissolved." The debate on this resolution took place on Saturday the 8th and Monday—

June 10th, when, as six of the colonies were not yet prepared to vote, the further consideration of the subject was deferred until—

July 1st, when the debate was resumed, and continued for nine hours

uninterruptedly, but no vote was taken. Final action was postponed to the next day—

July 2d, when the resolution offered by Richard Henry Lee was carried, and—

July 4th, the Declaration of Independence was adopted by Congress.

The second day of July was thus the date of the American decision that all further political connection with Great Britain should be "totally dissolved." On the 29th of June, about three days before, the Virginia Convention, speaking for Virginia, had taken the same step, and had employed the same phrase, "totally dissolved." These are the dates:

June 15th.—"A Declaration of Rights of the good people of Virginia"—passed by a unanimous vote.

June 24th.—"A Constitution or Form of Government" was reported to the Convention, with a preamble declaring that all political connection between Virginia and Great Britain was "totally dissolved."

June 29th.—The Constitution and preamble were adopted by a unanimous vote.

Thus, whatever might be the action of Congress, the Virginia people had decided upon their own course. They had declared themselves independent of Great Britain, adopted a republican form of government, and were ready to defend it with the sword.

The Declaration of Rights and Constitution were written by George Mason; the preamble by Jefferson, then absent in Congress.

Mason was, from many points of view, a remarkable man. He was the descendant of a Colonel in the army of Charles II., and a planter of large possessions on the Potomac, not far from Mount Vernon. He had lived in retirement with the exception of one session spent as a member of the House of Burgesses, enjoying the "unreserved friendship" of Washington, wrapped up in his "dear little family," absorbed in his favorite study of political law and the ancient charters, and had yielded, it seems unwillingly, to the wish of his neighbors that he should represent them in the Convention. In person he was large and athletic, with a swarthy complexion, an expression of the eyes described as "half sad, half severe," and under his formal and reserved manner, Jefferson said, had "a dash of biting cynicism." Of this, and the resolution of his character, two anecdotes give an illustration. When an opponent in politics said that the people of Fairfax knew that "Colonel Mason's mind was failing him from age," he retorted that his opponent had one consolation, "When *his* mind failed him, no one would ever discover it!" And when, in 1788, he was informed that if he opposed the ratification of the Federal Constitution the people of



Alexandria would mob him, he mounted his horse, rode to the town, and going up the Court-house steps, said to the Sheriff, "Mr. Sheriff, will you make proclamation that George Mason will address the people?" A crowd assembled, and Mason addressed them, denouncing the Constitution with bitter invective, after which he mounted his horse and returned home. He was not opposed to Union, for he wrote in 1778: "If I can only live to see the American Union firmly fixed, and can leave to my children but



*G. Mason*

a crust of bread and liberty, I shall die satisfied;" and speaking of the Virginia Constitution, he wrote: "I trust that neither the power of Great Britain nor the power of Hell will be able to prevail against it."

It was this man of royalist descent, a thorough churchman and representative of the class denounced as ciphers of aristocracy, who was now called upon to draw up the Bill of Rights proclaiming religious freedom and the rights of man. The paper was written in his room in the Raleigh tavern at Williamsburg, without books to refer to, and has been described

as containing "the quintessence of all the great principles and doctrines of freedom wrought out by the people of England from the earliest times, and which lie at the foundations of society." Its scope is much more extensive than either Magna Charta or the Petition of Rights, and it may be called with truth the first written charter of equal rights in history. The writer lays down as a fundamental principle that all men are "by nature equally free and independent, and have certain inherent rights of which they cannot by any compact deprive their posterity," namely, "the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety." All the powers of society are "vested in, and consequently derived from, the people;" and "magistrates are their trustees and servants, and at all times amenable to them." Government is instituted for the benefit of all, and when it transcends its powers, "a majority of the community has the right to alter or abolish it;" but the majority ought to be of those possessing "sufficient evidence of permanent interest with and attachment to the community." The freedom of the press is "one of the great bulwarks of liberty, and can never be restrained but by despotic governments." The natural defense of a state is "a well regulated militia." Standing armies are "dangerous to liberty;" and "in all cases the military should be under strict subordination to, and governed by, the civil power." As to religion, as that is "the duty which we owe to our Creator, the manner of discharging it can be directed only by reason and conviction, not by force or violence; and, therefore, all men are equally entitled to the free exercise of religion according to the dictates of conscience."

The great principles here laid down, with a single exception, are now so thoroughly established that American readers of the nineteenth century may think that little merit is due to the men who proclaimed them. They were not so plain a century ago. A large part of mankind then believed that all the powers of government were *not* vested in the people; that a majority of the people had *not* the right to abolish them; that the freedom of the press was dangerous, and ought to be restrained; that standing armies were necessary; and that the exercise of religion ought to be regulated by, and in subjection to, the civil authority. That Mason and his associates rose above these old prejudices of the past, and announced the true principles which ought to govern society, constitutes their claim to be regarded as benefactors of humanity.

The one principle of the Declaration which is the exception to its full adoption by the men of to-day, is the restriction of the electoral franchise. The leaders of the time meant to establish a republic, not a democracy;



GUNSTON HALL.

*Home of George Mason.*

and believed that the right of suffrage ought to be confined to those having a permanent interest in the community. This principle had been first proclaimed by the Virginia Cromwellians of the old English Commonwealth period, and for a century it had been the law of the colony that those only should be allowed to vote who, "by their estates, real or personal, had interest enough to tie them to the endeavour of the publique good." They had tried universal suffrage, and it produced "tumults at elections;" so that the Declaration of Rights restricted the franchise to freeholders. Which were right, these men of the Revolution or the political philosophers of to-day? Let the statesmen of the future, taught by experience, determine.

The Constitution adopted was fundamentally republican. The government of Virginia was to consist of a Governor chosen annually by a Senate

and House of Delegates, elected by freeholders; and the two Houses were also to choose a Privy Council and the Judges of the appellate courts. Thus all power in Virginia was to spring from the body of the people having a permanent interest in the community, since they were to choose the Legislature, which was in turn to choose the Executive and the Judiciary. Such was the instrument which has been described as "the first written Constitution of a free State in the annals of the world."

The preamble, as already stated, was written by Jefferson, and sent from Congress. After reciting the wrongs of the colonies, it declared that, in consequence of these, "the government of this country, as formerly exercised under the crown of Great Britain, is TOTALLY DISSOLVED"—the last words being written in the original paper in capital letters. Thus the Convention left nothing in doubt; their action was meant to be final. As all power in a community was rightfully vested in the people, the people of Virginia had separated from Great Britain, and established a Constitution for their own government in future.

Both the Declaration of Rights and the Constitution were reported by Archibald Cary, who is selected for special mention, like the other leaders spoken of in this article, from his direct connection with the work of the Convention. He had already distinguished himself throughout the whole revolutionary agitation in Virginia, and was at this time about forty-five—low of stature, with a peculiar brightness of the eyes, and of stern and irascible temper. The expression of his portrait is smiling, but this was probably a flattery of the painter. In "The Contest," a contemporary poem, describing the leaders, the writer speaks of

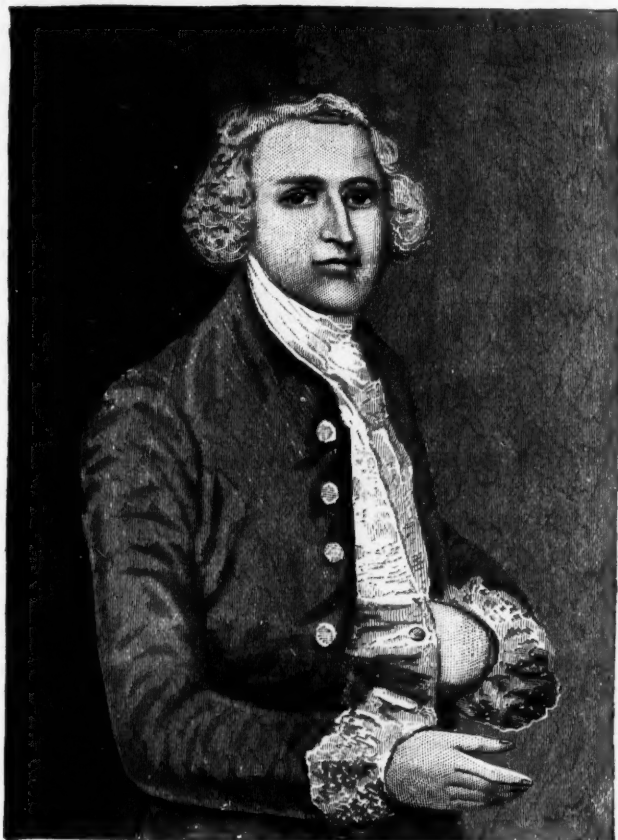
*"The grimful face  
Of Ampthill's rustic chief;"*

"Ampthill" being the name of Cary's estate: and the message sent to Henry when there was a question of appointing him Dictator, that he should fall by his (Cary's) dagger before the sunset of that day, would seem rather to support the poem than the portrait.

Cary belonged to the family of Lord Falkland, and was a prosperous planter, fond of agriculture, of blooded stock, and of the management of his iron foundry, from which, as from his resolute character, he was known as "Old Iron." Under the new government he was to be chosen to preside over the Senate of Virginia which he had been so prominent in establishing, and his life thereafter was spent in retirement at "Ampthill."

It is impossible in a brief paper to mention even the names of the long list of eminent Virginians who were members of the Convention and took a prominent part in its deliberations. Many of these enjoyed a local

celebrity as great as that of the actors on a larger arena; and a number of the latter even have been necessarily passed over. A few of those especially prominent were Edmund Randolph, William Cabell, Henry Tazewell,



COL. ARCHIBALD CARY.

*(Engraved for the December Magazine from the Portrait by Benjamin West.)*

Robert C. Nicholas, Richard Bland, Paul Carrington, George Wythe and James Madison, who was to preside as Chief Magistrate over the Republic of which he and his associates were laying the foundation.

Several of the members were also delegates to the General Congress

at Philadelphia—among them Benjamin Harrison of "Berkeley," one of the most resolute patriots of the time; a man of the highest honor, for whom his most eminent contemporaries had the utmost respect, as full of humor as of determination, large of person, cordial in manners, who was to become one of the "Signers," then Governor of Virginia, and to remain, through storm and sunshine, the friend of Washington. Two other great Virginians were also members of the Convention and of Congress—in which latter body they were so prominent that they were rarely able to sit in the former. Their names were, however, associated so closely with the great movement in Virginia, that in a paper treating of that movement it is necessary to speak of them, however briefly.

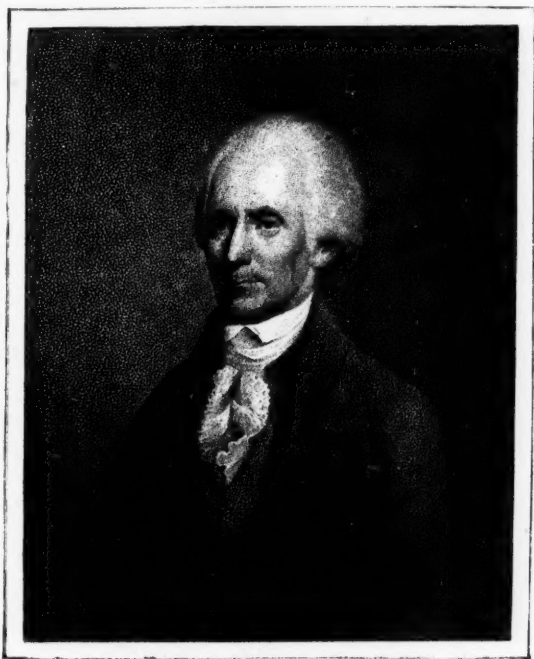
Richard Henry Lee, who offered the resolution proposing independence in Congress, was another of the Cavalier "butterflies" and "ciphers of aristocracy" who are said to have opposed resistance. He belonged to the family of Richard Lee, who had conspired with Berkeley to erect the flag of Charles II. in Virginia during the Commonwealth period, and every one of his name, for generations, had been a royalist and churchman. His early education was acquired in England, and thus he was the last man to look to as a republican leader; but it was soon seen that his views were as extreme as those of Patrick Henry. He had entered public life early, and as far back as 1768 had advocated the scheme of a "Committee of Correspondence." In 1773 he procured its adoption in the Burgesses, and was thus the originator of the great engine of resistance which united all the colonies and brought on the struggle. He was at this time a man of forty-two, tall and graceful in person, and wore a bandage on one hand to hide a wound received in shooting on the Potomac. He was called the "Gentleman of the Silver Hand," either in allusion to this or to his grace in speaking,—for he was one of the most eloquent orators of a period famous for eloquence. His residence was in Westmoreland, not far from the Potomac, and he had been chosen a delegate to Congress as one thoroughly in rapport with the views of the leaders, among them of Henry, with whom he enjoyed an intimate friendship. As a member of the first Congress in 1774 he had prepared the Address to the People of the Colonies, in which he had advised the Americans to "extend their views to mournful events." Now the mournful events had come, and he was selected to propose the resolution of independence.

This was done, as has been seen, on the 7th of June, and on June 11th, "that no time be lost," a committee was appointed to draw up the Declaration. Of this committee, Lee, by parliamentary usage, must



have been chairman; and his known literary ability made his assignment to the work of preparing the Declaration a foregone conclusion.\* He was suddenly called away, however, by the illness of his wife, and "Richard Henry Lee, author of the Declaration of Independence," was not to be carved on his tombstone.

It was carved on the tomb of Jefferson. As in the case of Henry, the

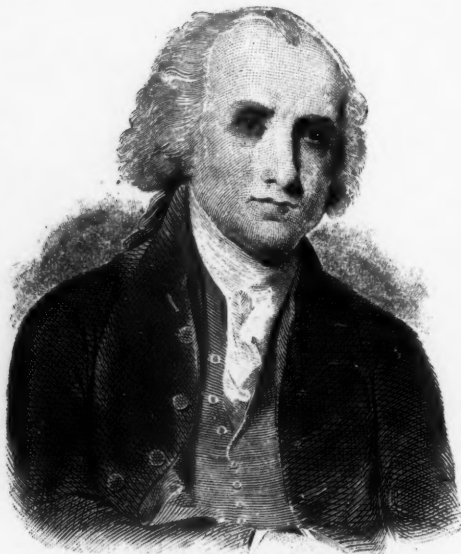


*Richard Henry Lee*

life of Jefferson is so familiar as to demand only brief notice. He was the son of a planter; had practiced law with great success, though he was almost incapable of making a speech in public; and entering the Burgesses when he was twenty-six, had become one of the extreme

\* The curious questions connected with this subject, so elaborately discussed in Mr. Randall's *Life of Jefferson*, cannot be noticed here for want of space.

leaders. From the constitution of his mind he was a radical in his social and political opinions. His "Summary View," of 1774, is as resolute as the Declaration of 1776; and it is the grand illustration of the hesitation of the time that the author of the former should, more than a year afterward, have written that he preferred a redress of grievances to independence. In person Jefferson was tall and slender, and his manners were plain and cordial. He was a tender husband, an affectionate father, a kind master, and personally beloved by his neighbors and friends, who



*James Madison*

were as warm in his praise as his political foes were rancorous in their abuse of him. Sent to Congress in the critical year 1776, when all things were narrowing to the crisis, Jefferson at once took his place among the leaders. His ability as a writer was seen from his "Summary View," and, when Lee was called away, the task of preparing the Declaration was assigned to him. It is impossible to read this famous paper without observing the resemblance of many of its phrases to those employed in Mason's Declaration of Rights, and Pendleton's resolutions to propose independence. A comparison will show this similarity.

MASON.—“All men are by nature equally free and independent, and have certain inherent rights of which they cannot divest their posterity, namely the enjoyment of life and liberty, with the means of pursuing and obtaining happiness and safety.” JEFFERSON.—“All men are created equal . . . are endowed by their Creator with certain inalienable rights . . . among these are life, liberty, and the pursuit of happiness.” MASON.—“Government is or ought to be instituted for the



*Edm: Randolph*

common benefit.” JEFFERSON.—“To secure these rights governments are instituted.” MASON.—“When any government shall be found inadequate or contrary to these purposes, a majority of the community have an indubitable right to alter, reform or abolish it.” JEFFERSON.—“Whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it.”

A similar resemblance will be seen between the following passages in the Declaration and in Pendleton's resolutions of May 15th. PENDLETON.—“Appealing to the Searcher of Hearts for the sincerity of former dec-



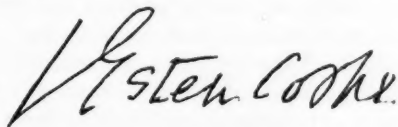
*Th. Jefferson*

larations." JEFFERSON.—"Appealing to the Supreme Judge of the world for the rectitude of our intentions." PENDLETON.—"That the delegates . . . be instructed to propose . . . to declare the United Colonies free and independent States, absolved from all allegiance to or dependence upon the crown or parliament of Great Britain." JEFFERSON.—"We therefore . . . do declare that these United Colonies are and of right ought to be free and independent States absolved from all allegiance to the British crown." Thus the general Declaration of all the colonies at Philadelphia was similar in many of its expressions to that made in Virginia.

In bringing this paper to a close it is necessary to notice a last point—the statement above quoted that the Virginia Constitution of 1776 was "the first written Constitution of a *free State* in the annals of the world." This

is apparently contradicted by the fact that both South Carolina and New Hampshire had already adopted republican forms of government. But these were expressly declared to be void when the wrongs of the colonies were redressed; or, in the words of the Mecklenburg County Declaration of May, 1775, when "Great Britain resigned her unjust and arbitrary pretensions." The action in Virginia was without this limitation, since the preamble to the Constitution declared that all political connection with England was "totally dissolved." It has also been urged that the Virginia instructions to propose a declaration of independence had been anticipated by North Carolina about one month before. But the North Carolina instructions were only "to concur with the delegates of the other colonies in declaring independence," which writers at that time complained of, as merely conferring a discretion to be exercised according to circumstances. But the questions here involved are more curious than important. The spirit of resistance was in the universal blood, and the colonies moved nearly together. Whether Virginia first took the decisive step of breaking with the past is simply a question of dates.

Was that step for good or for evil? Let the historical student of the twentieth century answer. It is certain that the action of Virginia erected a principle which has already leavened Europe, and transformed England into a republic under the form of monarchy. A force was unloosed which will eventually rule the world. When in May '76 the Virginians, in their Bill of Rights declared that all political power was vested in the people of a country, the republican world was born, and the American Republic of to-day is the result.



[The excellent portraits of Edmund Pendleton and Col. Archibald Cary, engraved expressly for our December Magazine of 1883, are by request republished to accompany the foregoing article, as these two gentlemen were prominent leaders in the Virginia movement toward independence, and the omission of their pictures in this connection would be almost inexcusable. For the rare copy of the portrait of Benjamin Harrison, from which the admirable engraving is made on page 371, the Magazine is indebted to the whole souled courtesy of Dr. Thomas Addis Emmet—and also for copies of those of George Mason, Patrick Henry, and others not easily obtainable elsewhere.—EDITOR.]

## CHEROKEES PROBABLY MOUND-BUILDERS

In 1876, Prof. Lucien Carr, assistant curator of the Peabody Museum, opened a mound in Lee County, Virginia, in which he made certain discoveries that, taken together with the form of the mound and the historical data, led him to the conclusion that it was the work of the Cherokees.

This monument, as he informs us, was a truncated oval, the level space on the top measuring forty feet in length by fifteen in width.

"At a distance of eight feet from the brow of the mound on the slope," Professor Carr says, "there were found buried in the earth the decaying stumps of a series of cedar posts, which, I was informed by Mr. Ely, [the owner] at one time completely encircled it. He also told me that at every plowing he struck more or less of these posts; and on digging for them, some six or seven were found at different places, and in such order as showed that they had been placed in the earth at regular intervals and according to a definite plan. On the top, in the line of the greatest diameter, and near the center of the mound, another and a larger post or column, also of cedar, was found." \*

Quoting Bartram's description (given below) of the Council House of the Cherokees in the town of Cowé, he concludes, and I think correctly, that this mound was the site of a similar building.

Bartram's description is as follows: † "The Council or Town House is a large rotunda capable of accommodating several hundred people. It stands on the top of an ancient artificial mound of earth of about twenty feet perpendicular, and the rotunda on the top of it being above thirty feet more, gives the whole fabric an elevation of about sixty feet from the common surface of the ground. But it may be proper to observe that this mound on which the rotunda stands is of a much ancients date than the building, and perhaps was raised for another purpose. The Cherokees themselves are as ignorant as we are by what people or for what purpose these artificial hills were raised.

"The rotunda is constructed after the following manner: They first fix in the ground a circular range of posts or trunks of trees, about six feet high, at equal distances, which are notched at the top to receive into them,

\* Tenth Report Peabody Museum p. 75.

† Travels, p. 365.



from one to another, a range of beams or wall-plates. Within this is another circular order of very large and strong pillars, above twelve feet high, notched in like manner at the top to receive another range of wall-plates, and within this is yet another or third range of stronger and higher pillars, but fewer in number, and standing at a greater distance from each other; and, lastly, in the center stands a very strong pillar, which forms the pinnacle of the building and to which the rafters center at top; these rafters are strengthened and bound together by cross-beams and laths, which sustain the roof or covering, which is a layer of bark neatly placed and tight enough to exclude the rain, and sometimes they cast a thin superficies of earth over all.

"There is but one large door, which serves at the same time to admit light from without and the smook to escape when a fire is kindled; but as there is but a small fire kept, sufficient to give light at night, and that fed with dry, small, sound wood divested of its bark, there is but little smook; all around the inside of the building, betwixt the second range of pillars and the wall, is a range of cabins or sophas consisting of two or three steps, one above or behind the other in theatrical order, where the assembly sit or lean down; these sophas are covered with matts or carpets very curiously made with thin splits of Ash or Oakwood, woven or platted together; near the great pillar in the center the fire is kindled for light, near which the musicians seat themselves, and around about this performers exhibit their dances and other shows at public festivals, which happen almost every night throughout the year."

From indications not necessary to be mentioned here, Prof. Carr argues that the mound could not have been intended for burial purposes, but was evidently erected for the foundation of a building of some kind.

In a subsequent paper, "Mounds of the Mississippi Valley," \* Prof. Carr not only adheres to the theory advanced in the tenth report of the Peabody Museum, but gives additional reasons for believing it to be true.

As much additional data bearing on this subject has been obtained during the mound explorations carried on under the Bureau of Ethnology, I have concluded to discuss somewhat briefly this theory (which I am inclined to believe correct) in the light of these new facts.

As the mounds and other remains to be referred to are located in the northwest part of North Carolina and the northern part of East Tennessee, the first point to be established is that the Cherokees did actually at some time occupy this region.

In the first place, it is well known that they claimed all that portion of

\* Vol. II. of the Memoirs of the Kentucky Geol. Surv.

the country east of Clinch River and west of the Alleghanies, northward to Kanawha, and also the northwest part of North Carolina, at least to the Yadkin—a claim which was conceded by the whites and acted on officially by State and National authority, and denied by no Indian tribe.

Haywood expressly states that \* “the Cherokees were firmly established on the Tennessee River or Hogohega [the Holston] before the year 1650, and had dominion over all the country on the east side of the Alleghany mountains, which includes the head-waters of the Yadkin, Catawba, Broad River, and the head-waters of the Savannah”—a statement borne out by the fact that as late as 1756, when the English built Fort Dobbs on the Yadkin, not far from Salisbury, they first obtained the privilege of doing so by treaty with Attacullaculla, the Cherokee chief.†

Haywood asserts, ‡ upon what authority is not known, that “before the year 1690 the Cherokees, who were once settled on the Appomattox River and in the neighborhood of Monticello, left their former abodes and came to the West. The Powhatans are said by their descendants to have been once a part of this nation. The probability is that migration took place about, or soon after, the year 1632, when the Virginians suddenly and unexpectedly fell upon the Indians, killing all they could find, cutting up and destroying their crops, and causing vast numbers to perish by famine. They came to New River and made a temporary settlement, and also on the head of the Holston.”

That they formerly had settlements on New River (Upper Kanawha) and on the Holston is, as I believe, true, but that they came from the vicinity of Monticello and the Appomattox River, were connected with the Powhatans or first appeared in Tennessee in 1632, cannot be believed. *First*, because Jefferson makes no mention of their having resided in this part of Virginia; on the contrary, he locates them in the “western part of North Carolina.” *Second*, because John Lederer, who visited this region in 1669–70, speaking of the Indians of the “Apalatean Mountains,” doubtless the Cherokees, as he was at that time somewhere in North Carolina, says: “The Indians of these parts are none of those which the English removed from Virginia, but were driven by an enemy from the northwest, and invited to fix here by an oracle, as they pretend, above four hundred years ago; for the inhabitants of Virginia were far more rude and barbarous, feeding only upon raw flesh and fish until those taught them to sow corn and shewed them the use of it;” § and *third*, because it is evident that they

\* Natural and Aboriginal His. Tenn., p. 225.

† Ramsey, Annals of Tenn., p. 51.

‡ Nat. and Ab. Hist. Tenn., p. 223.

§ Discoveries, &c., p. 3. London edition, 1672.

were located in substantially the same territory when De Soto passed through the northern part of Georgia, as it is now admitted that the "Chelaques" or "Achelaques," mentioned by the chroniclers of his ill-starred expedition, were the Cherokees. That they extended their territory a considerable distance further southward after the time of the Adelantado's visit can be easily demonstrated, but it is unnecessary for me to present the proof of this assertion at this time, as I presume it will be admitted.

Their traditions in regard to their migrations are uncertain and somewhat conflicting, still there are a few items to be gleaned from them which, I think, may be relied upon as pointing in the proper direction. The first is, the positive statement that they formerly had a settlement, or were settled on or near the Nolichucky. The second is, that they were driven from some more northern section by their enemies; and third, their constant and persistent claim that, of right, the country northward from the Holston to the Kanawha belonged to them.

From all the light, therefore, that I can obtain on this subject, I am satisfied that the Cherokees had at some time in the past moved southward from a more northern location than that they were found occupying when first encountered by the whites. That they did at one time actually occupy the section in which the mounds to which we allude are situated cannot be doubted.

Turning now to the mounds of East Tennessee and North Carolina, to which allusion has been made, let us see what testimony they furnish on the point now under discussion.

The particular works to which we refer are located in Caldwell County, North Carolina, and Sullivan County, East Tennessee. A brief description of their construction and contents will be found in the *American Naturalist* for March, 1884, and *Science*, 1884. Although we cannot say positively that no other tribe occupied this particular section between 1540 and 1690, still the evidence and indications leading to that conclusion are so strong as to justify us in assuming it. We find their frontiers on the borders of Georgia in 1540; we can trace back their settlements on the Hiawassee to a period preceding 1652. We have evidence that the settlements on the Little Tennessee were still older, and that even these were made subsequent to those on the Nolichucky. We have their own traditions, as given by Lederer, that they migrated to this region about the close of the thirteenth century; and, finally, their uniform and persistent statement, from the time first encountered by Europeans, that when they came to this region they found it uninhabited, with the exception of a Creek settle-

ment on the lower Hiawassee. This clearly indicates a movement southward—a fact of much importance in the study of the history of this somewhat abnormal tribe.

If, therefore, we can show that these mounds, or any of the typical ones, were constructed since the discovery of America, we have good reason to believe that they are to be attributed to the Cherokees, notwithstanding their statement to Bartram that they did not build the one at Cowé.

At the bottom of one of the largest mounds found in this region, and by the side of the skeleton of the principal personage interred in it, as shown by the arrangement of the bodies of those buried with him, and by the ornaments and implements found with him, were discovered three pieces of iron. That one, at least, of the pieces is part of an implement of European manufacture, I think no one who examines it will doubt. It appears to be part of a sword-blade, or the blade of a large knife. Another of the pieces is apparently a large awl or punch, a part of the deer-horn handle yet remaining attached to it.

That these cannot be attributed to an intrusive burial is evident from the following facts: *First*, that they were found at the very bottom of the pit, which had been dug before depositing the bodies; *second*, that they were found with engraved shells, celts, and other relics of this character; and *third*, that they were deposited with the principal personage who had been buried in the mound.

In the same mound and under the same circumstances some large copper beads or cylinders were also found. A careful examination of these specimens shows, as I think, very clearly, that the copper plate of which they were made was not manufactured by any means at command of the Indians or the more civilized races of Mexico or Central America, as it is as smooth and even as any rolled copper; moreover, they appear to have been cut into the proper shape by some metallic implement. If this supposition be correct (and I believe an inspection of the specimens will satisfy any one that it is), it certainly indicates contact with civilized people. If so, then we have proof that this mound was made subsequent to the discovery of America by Columbus, and, in all probability, after the date of De Soto's expedition in 1540.

As I have shown, and I think satisfactorily, that the Cherokees alone inhabited this particular section from the time of De Soto's expedition until it was settled by the whites, it follows that if the mound was built subsequent to that date, it must have been by the Cherokees. The nearest neighbors of this tribe on the east, at the time the whites came in contact with them on their eastern borders, were the Tuscaroras. We learn

from John Lederer, who visited them in 1670, on his return from the Cherokee country, that they were in the habit of "decking themselves very fine with pieces of bright copper in their hair and ears and about their neck, which, upon festival occasions, they use as an extraordinary bravery."\*

It is well known that these two tribes were constantly at war with each other until the latter removed to the North and joined the Five Nations. But it is more likely that these articles of European workmanship were obtained from the Spaniards, who, as is now known, worked at an early date the gold mines in northern Georgia. We learn from Barcia's "*Ensayo Cronologico*"† that Tristan de Luna, who, in 1559, went in search of the mines of "Coza" (the name by which the region of northern Georgia was then known), succeeded in reaching the region sought and even heard while there of the negro Robles, who was left behind by De Soto. When John Lederer reached the borders of Georgia, the Spaniards were then at work at these mines, which fact, as he informs us, checked his further advance, as he feared he might be made a captive by them. As further and conclusive evidence of this, we have only to state that the remains of their cabins in the vicinity of the mines were found in 1834 with trees from two to three feet in diameter growing over them. The old shafts were discovered in which they worked, as also some of the machinery and implements which they used.‡ Be this supposition correct or not, if the articles we have mentioned were of European workmanship, or if the material was obtained of civilized people, we must take for granted, until evidence to the contrary is produced, that the mound in which they were found was built after the commencement of the sixteenth century, hence by Indians, and in all probability by the Cherokees.

Our fourth argument is found in the fact that in the ancient works of this region are discovered evidences of habits and customs similar to those of the Cherokees and some of the immediately surrounding tribes.

I have already alluded to the evidence, found in the mound opened by Prof. Carr, of its once having supported a building similar to the council house observed by Bartram on a mound at the old Cherokee town, Cowé. Both were on mounds, both were circular, both were built on posts set in the ground at equal distances from each other, and both had a central pillar. As confirming this statement of Bartram, we are informed in Ramsay's History of Tennessee§ that when Col. Christian marched against the Cherokee towns in 1776 he found in the center of each "a circular tower rudely built and covered with dirt, thirty feet in diameter and about

\* Discoveries, London edition, p. 20.

† Jones, Southern Indians, p. 18.

‡ Pp. 33-39.

§ P. 169.



twenty feet high. This tower was used as a council house, and as a place for celebrating the green-corn dance and other national ceremonials." Lawson, who traveled through North Carolina in 1700, says, \* "They" [the Indians] "oftentimes make of this shell" (alluding to a certain large sea-shell), a sort of gorge which they wear about their neck in a string, so it hangs on their collar whereon sometimes is engraven a cross or some odd sort of figure which comes next in their fancy." Beverly, speaking of the Indians of Virginia, says, † "Of this shell they also make round tablets of about four inches in diameter, which they polish as smooth as the other, and sometimes they etch or grave thereon circles, stars, a half-moon, or any other figure suitable to their fancy."

Now it so happens, that in the same mound in which the iron specimens before alluded to were found, and in other mounds in the same section, the Bureau assistants discovered shell ornaments precisely of the character described by these old writers. Some of them smooth, and without any devices engraved on them, but with holes for inserting the strings by which they were to be held in position; others engraved with figures which would readily be taken for stars and half-moons, and one among the number with a cross engraved on it. The testimony in this case that these relics were the work of the Indians found in possession of the country at the time of the discovery is, therefore, too strong to be put aside by mere conjectures or inferences. If the work of Indians, then they must have been used by the Cherokees and buried with their dead. The engraved figures are strangely uniform, indicating some common origin, but the attempt to trace this is foreign to our present purpose. In these mounds were found a large number of nicely carved soapstone pipes, usually with the stem made in connection with the bowl, though some were without this addition, consisting only of the bowl, with a hole for the insertion of a wooden or cane stem.

By turning to Adair's "History of the North American Indians," ‡ we find the following statement: "They" [the Indians] "make beautiful stone pipes; and the Cherokees the best of any of the Indians; for their mountainous country contains many different sorts and colors of soils proper for such uses. They easily form them with their tomahawks, and afterward finish them in any desired form with their knives, the pipes being of a very soft quality till they are smoked with and used with the fire, when they become quite hard. They are often a full span long, and the bowls are

\* Hist. of Carolina. Raleigh. Reprint 1850, p. 315.

† Hist. Virginia. London, 1705, p. 58.

‡ P. 423.



about half as long again as those of our English pipes. The fore part of each commonly runs out with a sharp peak two or three fingers broad and a quarter of an inch thick." Not only were pipes made of soapstone found in these mounds, but two or three were obtained precisely of the form mentioned by Adair, with the fore part running out in front of the bowl; and another of the same form has been found in a mound on the Kanawha, which is at least suggestive. Jones says,\* "It has been more than hinted by at least one person whose statement is entitled to every belief, that among the Cherokees dwelling in the mountains, there existed certain artists whose professed occupation was the manufacture of stone pipes, which were by them transported to the coast and there bartered away for articles of use and ornament, foreign to and highly esteemed among the members of their own tribe."

This not only strengthens our conclusion drawn from the presence of such pipes in the mounds alluded to, but may also assist in explaining the presence of the copper ornaments in them. The writer last quoted says,† "Copper implements are rarely found in Georgia. The present" (a copper axe) "is the finest specimen which, after no mean search, has rewarded our investigations. Native copper exists in portions of Cherokee Georgia, Tennessee, North Carolina, and Alabama, but it is generally found in combination with sulphur and not in malleable form. We are not aware of any locality among those enumerated whence the Indians could have secured that metal either in quantity or purity sufficient to have enabled them to manufacture this implement."

Adair says,‡ "From the time we supplied them with our European ornaments they have used brass and silver ear-rings and finger-rings; the young warriors now frequently fasten bell-buttons or pieces of tinkling brass to their moccasins."

From these facts I am inclined to believe that most of the copper used by them was obtained directly or indirectly from the whites, and hence subsequent to the discovery of America. But should this supposition be erroneous, the fact still remains that the Cherokees were in the habit of using just such ornaments as we find in these mounds. As showing that the Europeans began to trade copper to the Indians at a very early day, I call attention to a statement made by Beverly in his "History of Virginia." § Speaking of a settlement made at Powhatan, six miles below the falls of James River, in 1609, he says it was "bought of Powhatan for a certain quantity of copper."

\* Antiquities of the Southern Indians, p. 400.

† P. 228.

‡ Hist. of N. Am.

§ P. 19.

But we are not yet through with the items under this class of testimony.

Haywood says, in his "Natural and Aboriginal History of Tennessee," \* that "Mr. Brown, a Scotchman, came into the Cherokee nation in the year 1761 and settled on the Hiawassee River or near it. He saw on the Hiawassee and Tennessee the remains of old forts, about which were axes, guns, hoes and other metallic utensils. The Indians at that time told him that the French had formerly been there and built these forts." I am fully aware that this author cannot be relied on with implicit confidence; still, so far as I have tested his original statements of facts, I have generally found them correct. During the past year, one of the assistants of the Bureau was sent to this particular region, which is too limited to admit of the question of locality being raised. An overflow and change in the channel of the river brought to light the remains of old habitations, and numerous relics of the people who formerly dwelt there. Moreover, this was in the precise locality where tradition located a Cherokee town. Digging was resorted to, in order to complete what the water had begun.

Now let me mention some of the things obtained here:

10 discoidal stones, precisely like those from the mounds of Caldwell County, North Carolina.

9 strings of glass beads.

A large number of shell-beads, exactly like those from the mounds.

A number of flint arrow-points.

1 soapstone pipe.

Some pieces of rolled sheet copper.

3 conical copper ear-pendants, like those from North Carolina mounds.

3 buttons of modern type.

1 small brass gouge.

Fragments of iron articles belonging to a bridle.

1 bronze sleigh-bell.

1 stone awl or drill.

Fragment of a soapstone pot.

1 soapstone gorget.

Several polished stone celts, of the same pattern as those found in the North Carolina mounds.

Grooved stone axes.

A piece of sheet lead.

This admixture of articles of civilized and savage life confirms the statement made by Haywood, at least so far as regards the early presence of white people in this section. It follows from what has been before pre-

\* P. 234.

sented, that the Indians must have been Cherokees, and the fact that the implements and ornaments of aboriginal manufacture found here are throughout precisely like those found in the mounds before mentioned, affords a very strong proof that they were built by Cherokees.

Another fact worthy of notice is that close by the side of this wash-out stands a mound, but permission to open it has not yet been obtained.

Returning to our mounds, we note the fact that a large number of stones, evidently used for cracking nuts, were found in and about them; some charred acorns or nuts of some kind were also found in them. We have only to refer to Adair, and other early writers, to see how well the indications agree with the customs of the Cherokees.

As it may be claimed that the Creeks, the near neighbors of the Cherokees on the south, might have built these mounds, let us now see if we can eliminate this possibility.

According to the Cherokee tradition, there was a settlement of Creeks on the lower Hiawassee, when they reached that region, whom they drove away. Hence the southern boundary of their possessions, at this early date, which must have been before the time of De Soto's expedition, was about the present northern boundary of Georgia. That their borders, at the time of De Soto's march, did not extend as far south as Bartow County, can be shown from one somewhat singular fact, which at the same time will furnish strong reasons for believing the Creeks could not have built the mounds we have been considering. It will be admitted, I presume, by every one, that the people over whom the famous Cacicua of Cutifachiqui reigned could not have been Cherokees. That the town of Guaxule was within the territory of her tribe is expressly stated by the chroniclers of the Adelantado's expedition. I think it may be safely assumed that her people were Creeks; at any rate, if our Tennessee and Carolina mounds were built by any other people than Cherokees, it would most likely be by this southern mound-building tribe, call them by what name we may.

Garçilasso, who is our authority in this, says: "*La casa estava en un cerro alto, como de otras, remejantes hemas dicho. Tenio toda ella al derredor un paseadero que podian pasearse por el seis hombres juntos.*" \* "The house was on a high hill (mound) similar to others we have already mentioned. It had all round about it a roadway on which six men could walk abreast."

This language is peculiar, and, so far as I am aware, can apply to no other mound in Georgia than the large one near Cartersville. The words "similar to others we have mentioned," are evidently intended to signify

\* Hist. Florida. Edn. 1723. Lib. III., Cap. X<sup>ve</sup>, p. 139, and ed. of 1605.

that it was artificial, and this is conceded by all who have noted the passage. The word "alto" (high), in the mouth of the explorers indicates something more elevated than the ordinary mounds. The roadway or passage-way ("pascadero") "round about it" is peculiar, and is the only mention of the kind by either of the three chroniclers. How is it to be explained?

As Garcilasso wrote from information, and not from personal observation, he often failed to catch from his informants a correct notion of the things described to him; this is frequently apparent in his work where there is no reason to attribute it to his vivid imagination. In this case it is clear he understood there was a terrace running entirely round the mound, or possibly a roadway around the top outside of a rampart or stockade.

But, as neither conclusion could have been correct, as no such terrace has been found in any part of this region, and a walk around the summit would have thwarted the very design they had in view in building the mound, what was it Garcilasso's informants saw? C. C. Jones says "a terrace," but it is scarcely possible that any terrace at the end or side of a southern mound, forming an apron-like extension (which is the only form found there) could have been so described as to convey the idea of a roadway, as the mode of estimating the width shows clearly was intended.

The broad way winding around and up the side of the Etowah mound appears to answer the description better than any other in Georgia. It is a large mound, high, and one that would doubtless attract the attention of the Spanish soldiers; its dimensions indicate that the tribe by which it was built was strong in numbers, and might easily send forth five hundred warriors to greet the Adelantado. The locality is also within the limits of De Soto's route as given by the best authorities; and lastly there is no other mound within the possible limits of his route which will in any respect answer the description. As Garcilasso must have learned of this mound from his informants, and has described it according to the impression conveyed to his mind, we are justified in accepting it as a statement of fact. I am, therefore, satisfied that the work alluded to is none other than the Etowah mound near Cartersville, Georgia, and that here we can point to the spot where the unfortunate Adelantado rested his weary limbs and where the ambassadors of the noted Cacicua of Cutifachiqui delivered their final message.

Recently the smallest of the three large mounds of this group has been opened by one of my assistants, and the result tends very strongly to confirm the conclusion drawn from the historical evidence, as the contents

indicate very clearly that they are the work of a different people from those who built the Carolina and East Tennessee mounds.

The burials were found to be in rectangular stone graves similar to those found in middle Tennessee and southern Illinois, there are no celts or soapstone pipes, the copper found was in plates with elaborate indented figures on them, one unique, but another similar to others found in middle Tennessee. A carved shell was found, but it also differed from those obtained in North Carolina. In fact, everything found goes to prove that the builders were a different people from those who erected the East Tennessee and North Carolina mounds.

Numerous other corroborating facts might be mentioned, but our limits will not admit of this. I therefore close by referring to the historical evidence quoted by Prof. Carr, showing that notwithstanding the repeated assertions to the contrary, there were traditions among this tribe that their forefathers had erected mounds. Even at the present day, in the vicinity of one of the mounds opened in eastern Tennessee there is a tradition that it was built by Cherokees after a battle with some Indians who had invaded their territory. Although but little reliance is to be placed on such traditions, yet in this case, the burials in the mound agree very well with the tradition, as they were undoubtedly, as shown by the arrangement, made at one time.

*Cyrus Thomas*



## SLAVERY IN THE COLONY AND STATE OF NEW YORK

Twenty-five years ago the discussion, or even the historical unfolding of such a subject as the one announced above would have been the signal for an animated discussion throughout the United States concerning the moral right of "the divine institution." Now that slavery *de facto* has ceased throughout the land, the student of history may address himself without prejudice, and with unbiased judgment, to the narrative of the institution as it existed in the Empire State down to the year 1827. From that day to this the obsolete remnants of legislation on this subject have remained upon the statute-books; but the recent (1883) repeal of the Revised Statutes "concerning the importation into this State of persons held in slavery, their exportation, their services, and prohibiting their sale," makes an inquiry into the past particularly valuable and pertinent at the present time. The most natural division of the subject is that which takes note of the historical sequence, and considers, in turn, the periods of Dutch, English, and American domination.

I. THE DUTCH PERIOD—There is no doubt in regard to the responsibility of the Dutch for introducing slavery into several of the colonies. It is a well-known fact that one of their ships landed African slaves at Jamestown in 1620. As early as 1628 frequent mention is made of blacks owned as slaves in the colony of New Netherlands. Among the "Freedoms and Exemptions" granted by the West India Company, in 1629, "to all Patrons, Masters, or private persons who will plant colonies in New Netherland," is the following clause: "The Company will use their endeavors to supply the Colonists with as many Blacks as they conveniently can, on the conditions hereafter to be made; in such manner, however, that they shall not be bound to do it for a longer time than they shall think proper." In 1639, Jacob Stoffelsen, at the request of Governor Kieft, declared that he had employed negro slaves in the construction of Fort Amsterdam during the rule of Wouter Van Twiller. An inventory of the property belonging to the West India Company, in the same year, showed that the value of a negro slave was 40 guilders, or about \$16 of our modern currency. It also appeared that parties who leased land of the Company leased servants, or slaves, of individuals for a term of years. The Company, itself, was not above this business, since we learn that, in 1644, Nicholas Toorn, of Rensselaerwyck, acknowledged the receipt of a young black girl—to be returned at the end of four years, "if yet alive," to the Director-General or his successor.



The Governor and his Council, in 1648, granted a "dispensation" which required "private persons" to give security if they wished to transport slaves. Two years later "a provisional plan" was submitted to the States-General by the Deputies of the West India Company, in which it was recommended "that the Inhabitants of New Netherland shall be at liberty to purchase Negroes wheresoever they may think necessary except on the coast of Guinea, and bring them to work on their Bouwerries on payment of a duty of — per head." In 1652, the Directors at Amsterdam—which was the Chamber, or Department, that controlled the trade with Africa—gave their consent to this in a communication to Director Stuyvesant. They also gave permission to import as many negroes as were required for the cultivation of the soil under certain "Conditions & Regulations." Unfortunately, these papers have not been preserved; but documents among the Colonial manuscripts show that the negro-dealing merchants of New Amsterdam were not to go farther than Popo Soude, on the African coast; and that they were excluded from the Gold Coast, Cape Verde, Sierra Leone, the Pepper Coast, and the Qua Qua Coast. Whatever negroes were imported were to be taxed 15 guilders per head, to be paid in beavers or tobacco. These terms were so discouraging to the traders that, in the same year, Fiscal Van Dyck wrote: "No request for Negroes has been presented from Patrons or Colonists here, to my knowledge." A few years later the Amsterdam Chamber granted permission to Jan de Sweerts and Dirck Pietersen Wittepaert to take slaves from Africa to the colony, and their cargo is supposed to have been the first direct importation within the present territory of New York. Such direct importation, however, soon brought down the wrath of the Director-General and the Council, because the slaves had been landed without any revenue therefrom to the Company. The Directors then secured a monopoly by confiscating a slave ship fitted out under the auspices of the Department of West Friesland; and also by bearing three-fourths of the expense of sending a vessel to the coast of Africa—the magistrates of Amsterdam to bear the remainder.

The price of slaves, under the Dutch *régime*, was a varying quantity. In 1651, black women, between 18 and 30 years of age, sold at Curaçoa for a sum that is represented by \$200 of our money. At the same time negro men, between 16 and 40, brought \$100 apiece at New Netherland, nearly one-half of which value was to be the penalty of selling the purchased black out of the colony. We read of a public sale by the Directors, in 1664, at which payment was required "in good beavers at 3 guilders each; or in commodities at beavers' value, or in provisions." When the sale

took place, one negro was sold to the Rev. Johannes Polhemus, the Colonial Minister, for \$176, and the sum total of the sales was about \$5,000 in the mixed pay above noted. A later consignment of 300 negroes from Curaçoa brought fear to the Directors, lest "the largest part of them shall remain at our charge." In those days of barter, it was no uncommon thing for the traders of old and New Amsterdam to throw in a slave or two by way of making change when they balanced their accounts to date. In this manner many slaves strayed away from New Amsterdam in spite of the heavy penalties that were imposed in order to keep them there.

For the most part the slaves of the Dutch colony were employed as domestic servants, and theirs was not the hard condition of the slaves who worked out-of-doors in the more southern colonies. The records show that masters frequently applied to the court for permission to chastise their bondmen. The Governor and Council, in 1642, decreed that the extreme penalty "for inflicting wounds with knives" should be "to work three months with the negroes in chains." An offender received this sentence for a longer period "for killing a goat and wounding two of the Company's negroes." The treatment of the negroes was, on the whole, humane. If they were sick or insane it was allowable to transport them to the colony whence they came, so that they might be among their kindred; but it was stipulated that for each one so returned, another should be imported at once. The Directors also thought the slaves capable of caring for themselves when they made a number of grants of land to negroes, who, as a matter of public safety, had pulled down their houses "in the vicinity of the General's Bouwery;" and when Lieut.-Governor Beeckman made a piteous appeal to the Directors for slaves which he might use at his South River settlement, no one could expect other than kind treatment at his hands. In a word, the stories of cruelties by the Dutch are few and far between.

As early as 1644 an ordinance was passed which emancipated certain slaves who had served the Company eighteen or nineteen years, and who were burdened with many children. As a condition subsequent, each slave so released was required to pay to the Company annually during his life "thirty skessels of Maize, or Wheat, Pease or Beans & one fat Hog valued at 20 Guilders," failure to pay which caused the return of the laggard to slavery. The children of these persons were still held as slaves. The Governor and Council, in 1663, agreed to the request of a large number of slaves, "that they shall enjoy the half of their liberty; so that said negroes, when they shall have worked for the Co. during one week may then labour one week for themselves," and one month alternately in the same manner.

II. THE ENGLISH PERIOD—The era of the English domination in New York begins with 1664 (although the Dutch regained the New Netherland temporarily in 1673), and, for our purpose, ends with 1777. The "Duke's Laws," which were given in 1674 to the colony newly acquired by the English, thus defined the status of the slaves :

"*Bond slavery*, villinage or captivity, except such as shall be judged thereunto by Authority, or such as willingly have sold, or shall sell, themselves, in which case a record of such servitude shall be entered in the Court of Sessions held for that Jurisdiction where each Master shall Inhabit. Provided that nothing in this Law contained shall be to the Prejudice of Master or Dame who have or shall by such Indenture or Contract taken apprentices for terms of years, or life; and also Provided that this law shall not extend to set at Liberty any Negro or Indian Servant who shall have turned Christians after they have been bought by any person."

According to the Minutes of 1679, it was resolved that all Indians within the colony were free—nor could they be forced to be servants or slaves—and if they were brought hither as slaves, a residence of six months should entitle them to freedom.

The first real enactment of the English General Assembly relating to slaves was that of 1683. This provided that "No Servant or Slave, either Male or Female shall either give, sell or trust any Commodity whatsoever during the time of their Service under the penalty of such Corporal Punishment as shall be ordered to be inflicted by warrant under the Hands of two Justices of the Peace of the County where the said Servant or Slave doth reside. And if any Person whatsoever shall buy of, receive from or trust with any Servant or Slave contrary to this Law they shall be compelled by Warrant, as aforesaid, to restore the said commodity so bought, received or trusted for to the Master of such Servant or Slave and forfeit for every such offence the sum of £5. And if any Person whatsoever shall credit or trust any Servant or Slave for Clothes, Drink or any other Commodity, whatsoever the said Person shall lose his Debt & be forever debarred from maintaining any writ at Law against the said Servant or Slave for any matter or thing so trusted as aforesaid. If any Servant or Slave shall run away from their Master or Dame, every Justice of Peace in this Province is hereby authorized & empowered to grant Hue & Cry after the said Servant or Slave, the Master or Dame having first given in Security for the payment of the Charges that shall thereby attend. And all Constables & inferior Officers are hereby strictly required & commanded authorized & empowered to press Men, Horses, Boats or Pinnaces to pursue such persons by Sea or Land, and to make diligent Hue and Cry as by the Law required."

A colonial act "for regulating slaves" was passed in 1702 which forbade all trading with those who were in bondage. Owners might punish, at discretion "not extending to life or member;" no more than three slaves were allowed to meet together under penalty of a whipping; and, to enforce the law, a "common whipper" was appointed who was paid by a tax levied upon all the slave owners. The slave who struck a man or woman "professing Christianity" must be imprisoned fourteen days and suffer corporal punishment; and whereas slaves were the property of Christians "it was provided that the owners should be responsible for any damage done by them." Nor was their testimony good save in cases of plotting among themselves. Another act forbade all slaves to be farther away from Albany than Saratoga. Any slave thus absenting himself, except with master or mistress "shall suffer the pains of death." The value of any slave executed for crime was assessed upon the whole number of slave owners—all slaves above the age of 15 being rated at £30 for that purpose. "An act to encourage the baptizing of Negroes, Indians and Mulatto Slaves" was passed in 1706—having been called for by a wide-spread opinion that much baptism conveyed freedom. The act states that such is not the case; that the children of any kind of slave woman shall follow the state and condition of the mother and be adjudged slaves; and that no slave shall be a witness against a freeman in any matter whatsoever. This latter provision was more strongly enacted in the law of 1730. The act of 1708 "for suppressing of immorality" relates the punishments (of the stocks, etc.), that shall fall to "all Christians whatsoever who shall be convicted of drunkenness, cursing or swearing," and then proceeds: "Every negro, Indian or other slaves that shall be found guilty of any of the abovesaid Facts, or talk imprudently to any Christian, shall suffer so many stripes," etc.

The most elaborate law of colonial times was that of 1730, which repealed and provided: that no person shall traffic with a slave, without the consent of the master—the penalty being £5 for each offence; that no one shall sell a slave rum or other strong liquor or take anything in pawn from him under penalty of 40 shillings for such offence; that the master may punish the slave but "not extending to life and limb;" that no more than three slaves shall meet at any one place; that each town or manor may have a whipper of slaves to be paid not exceeding three shillings per head for all slaves whipped; that any slave "presuming to strike any Christian or Jew" shall be committed to prison and shall suffer corporal punishment; that any one harboring a slave shall forfeit to the master £5 for every 24 hours—the fine not to exceed the value of the slave—and shall forfeit the entire value if the slave dies on his hands; that any attempt to compound

such harboring shall cost the master a fine of double the value of the slave; that any person knowing of such harboring shall be fined 40 shillings if no information is given to the master; that any free negro so harboring shall be fined £40; that every master, or the executor of a will, who frees a slave must give £200 security to the proper authorities, that such slave shall not become a public charge; that masters or mistresses shall be liable for thefts by a slave to the value of £5; that the slave convicted of murder, arson or other terrible crimes shall be tried and executed summarily; that the owners of slaves so executed shall be paid for the same; that, if in the city of New York, the amount so paid shall not exceed £25 per slave; and that no slave shall carry firearms.

As an undercurrent in this stream of legislation we find numerous petitions in the way of protests. Harmanse Fisher of Albany, in 1710, states that his negro "York" had been found guilty of burglary and sentenced to be whipped round the said city, receiving nine lashes on his bare back at each corner. This sentence, Fisher affirms, has never been executed; and the sheriff is dunning him for £13 7 shillings on account of York. In the same year Joris Elswort of New York, petitions the Governor and Council relative to a suit brought against him by his negro slave and praying for the rendition of the said negro. Abraham Santford, a mariner, complains that his slave "Torey" has run away to England; and he asks redress because "in the room of the said negro he is forced to hire another able-bodied man." Isaac Gouverneur and others whose slaves had been executed for conspiracy petition, in 1712, for compensation at the rate of £25 each, according to an existing law. Sundry free-born subjects of Spain who had been captured by privateers and held as slaves in New York, petition that they may be given their freedom. The Governor and Council are implored by slave owners in Ulster County to prevent the running away of slaves, who conceal themselves in the Minisinks, "where they intermarry with Indian women." It is also a subject of complaint, that the Indians of Pekkemeek secrete Indian slaves. Our sympathy goes out to Richard Elliott of New York, who, in 1693, petitions for the pardon of his two negro slaves, who have been convicted as abettors of a felony. Elliott sets forth his reasons as follows:—"Being now grown old and impotent and not able in the least to help himself, and hath a great family of children to maintain and hath no other help or dependence for getting of a livelihood but by the labour of two negro slaves, which by much pain he hath brought up to work at his own trade, that of a cooper."

On the 11th of April, 1741, the Common Council of New York offered rewards for the discovery and conviction of any parties concerned in setting



the recent fires in that city. Among the English manuscripts of the colonial period may be found nearly one hundred statements from various slaves relative to this insurrection of 1741, which time and space both forbid us to notice at length. There also appear several indictments against negroes for conspiring "to set on fire, burn and consume the House of our Lord the King, and also to kill and murder the inhabitants of the city of New York's aforesaid liege people and subjects of our Lord the King." These rewards and indictments led to a large number of confessions and arrests. Thirteen of the conspirators were burned alive, in some cases making confessions that are found among these manuscripts; eighteen were hung: and thirty were transported to the West Indies, with the following proclamation: "To be sold a parcel of likely young negroes, imported from Africa cheap for cash. Inquire of John Avery, also if any person have any negro men, strong and hearty, though not of the best moral character, which are proper subjects of transportation, they may have an exchange for small negroes."

The history of this almost baseless conspiracy and the vindictiveness displayed in suppressing it form the one dark chapter in the record of slavery as it existed in the English Colony of New York. It is absurd to believe that a white innkeeper should have conspired with a few negroes with any hope of arousing the two thousand negroes to kill the eight thousand whites in New York City—the sole hope of the white conspirator being the offer of a subordinate position under a negro king or dictator. Verily the tongue of Mary Burton was the forerunner of great evils.

Aside from the insurrection of 1741, both the city and Province of New York, under English rule, were remarkably free from the uprisings that troubled Virginia, and some of the other colonies, nor were the horrors of St. Domingo ever enacted on the soil of the Province, even on a smaller and less fiendish scale. Once more, in 1755, there was apprehension, which was soon terminated by a proclamation of Lieut.-Governor De Lancy, to the effect that the "law for the punishment for conspiracy" must be rigidly enforced. Instead of fearing their slaves, the English appear to have followed in the ways of the Dutch. Among the colonial records we find many orders of the Governor in Council declaring that when a black man declares himself to be free, the burden of proving him a slave shall lie with the master. In 1761 a law was passed which laid a fine of £10 on every master who allowed his slave to beg; and also punished, by double that amount, any collusion in the fraudulent sale of an aged or decrepit slave. Mrs. Grant, in her "Memoirs of an American Lady" published in 1764, bears witness to the happy condition of slaves in Albany.



As colonists the English did not to any great extent follow in the lead of Sir John Hawkins, the great negro importer of the sixteenth century. Still we find many allusions to the traffic in the manuscript records of the Province of New York. Complaint was made by the Royal African Company, in 1687, that their charter had been infringed upon by the importing of negroes and elephants' teeth from Africa. It was announced, in 1720, that Captain Van Burgh had arrived from Barbadoes with four negroes; but that "Simon the Jew don't expect his ship from Guinea before late in the fall." "Negroes are scarce," says another informant, "but Captain Hopkins will sell one for £50, cash." Between 1701 and 1725 an annual average of less than one hundred negroes was imported. The total number was two thousand three hundred and ninety-five, of which one thousand five hundred and seventy-three were from the West Indies and eight hundred and twenty-two from the coast of Africa. In 1712 the list for Kings County showed one thousand six hundred and ninety-nine "Christians" and two hundred and ninety-eight slaves; Orange County, four hundred and thirty-nine whites and forty-one slaves; Albany, two thousand eight hundred and seventy-nine whites and four hundred and fifty slaves; New York, four thousand eight hundred and forty-six whites and nine hundred and seventy slaves. In 1723 there were six thousand one hundred and seventy-one slaves in the Province, in a total population of forty thousand five hundred and sixty-four; in 1746, slaves nine thousand seven hundred and seventeen, total sixty-one thousand five hundred and eighty-nine; in 1774, slaves twenty-one thousand one hundred and forty-nine, total one hundred and eighty-two thousand two hundred and forty-seven. Virginia, at this time, had about two hundred and fifty thousand slaves, or forty per cent. of the whole number in the colonies.

THE AMERICAN PERIOD—Thomas Jefferson complained that the several colonies had never been allowed by England to put in operation any laws that were passed either to hinder or to prevent the introduction of slaves; and his original draft of the Constitution of the United States gave a terrible scoring to George III. for prolonging the existence of the slave trade. At this time New York was one of the eleven States which reluctantly yielded to the desire of Georgia and South Carolina for continuing the slave trade until 1808. When the constitution of the State of New York was forming—1777—John Jay urged the early abolition of slavery, declaring:—"Till America comes to this measure her prayers to Heaven will be impious." In 1786, Jay, Hamilton, Livingston, Duane and others memorialized the legislature for "those who although free by the laws of

God are held in slavery by the laws of this State," and adding, "We view with pain and regret the additional miseries which these unhappy people experience from the practice of exporting them like cattle to the West Indies and the Southern States."

The early laws of the State of New York relative to slaves referred to their service in the American army. Special privileges were given to the slaves of Tories. The act of 1788, revising the existing laws, provided that every negro slave should retain his condition until manumitted; that the children of a slave woman should follow the condition of the mother; that no one should sell within this State any person imported into this State after June 1st, 1785, under penalty of £100 for each offence; that no one should buy a slave for the purpose of selling him in some other State, under the same penalty; that the harbinger of a slave should be fined £5 for each twenty-four hours, and be liable for damages in case of his death; that the seller of rum to slaves should be fined 40 shillings for each offence; that the owner of a slave should be liable for all thefts, etc., committed by him to the value of £5 or under; that the slave who struck a white person should be committed and tried as for petit larceny; that slaves should be tried by jury in capital cases; that no slave should be a competent witness except as for or against another slave; that the owner of a slave should not allow him to beg, under a penalty of £10 for each offence; that no conspiracy should be entered into for the sale of a decrepit slave to a buyer who was unable to keep him, under penalty of £20, and the voidance of the sale; that the owner of a slave who desired to manumit him must first procure a certificate from the overseers of the poor or from the city authorities, stating that the slave is under fifty years of age and able to take care of himself; that a slave of this description might be manumitted by will; that the owners of any other kind of slave might manumit him by giving sureties in not less than £200 that said slave shall not become a public charge; and that the heirs and administrators should be liable for the support of a non-supporting slave who is freed by a will.

A law as stringent as the *Curfew* prevailed in 1793, binding all owners of slaves to have them housed at an early hour. A slave having attempted to poison the family of her master, and being unsalable, he petitioned to the legislature and a law was passed allowing the transportation of a slave convicted of a crime less than capital. In 1798 the manumissions of the Quakers were declared valid, but subject to the restrictions of the existing laws. At that time the corporations of Albany and New York frequently granted warranty deeds of slaves. Bills of sale were also given to these corporations. Advertisements for the sale of negroes seldom gave the

name of the owner; but reference was made "to the printer," who would furnish all particulars. The following is a specimen from the *Albany Gazette* :—

TO BE SOLD, A NEGRO BOY—For the term of fourteen years, at which period he is to go free. He is ten years old; very active, lively and honest. His master is forced to dispose of him only because the little fellow cannot please every person in the house. Price, £60.

The "act for the gradual abolition of slavery"—1799—provided, that any child born of a slave within this State after the next 4th of July should be born free; but such child should be the servant of the owner of the mother until he was twenty-eight years old, or, if a female, until she was twenty-five years old; that such proprietor should be entitled to the same service as if the child had been bound to him by the overseers of the poor. Provision was also made for recording the birth of all such servants and for supporting those who could not care for themselves.

In 1794, the Abolition societies of the various States sent delegates to a general convention in Philadelphia. The New York society sent Peter Jay Monroe, Moses Rogers, Thomas Franklin, and William Dunlap. John Jay was President of this society, until he was made Chief-Justice of the State; whereupon Alexander Hamilton became his successor. The society was incorporated in 1808 "for promoting the manumission of slaves, and protecting such of them as have been or may be liberated."

The Legislature was petitioned in 1801, to take ground against the slave trade, and to throw safeguards around the law of 1799. A law was at once passed providing that no slave should be imported into this State, unless the owner came hither to reside permanently—any slave brought under other conditions to be free; that owners of slaves residing in other States might bring their slaves here but they must not leave them; and that owners of slaves residing in this State might take them to other States if they would bring them back. In 1804, the above law was amended so that any male servant born of a slave after July 4, 1799, might be abandoned at the age of twenty-one, and any female at the age of eighteen. In 1807, the Act of 1801 was still further amended so that the owner of a slave, who had resided in this State ten years, and had owned said slave during that period, might take with him said slave if he were about to remove permanently to some other State.

The law of 1809 provided that all persons who had been slaves within this State, and who had been or should be manumitted, were as capable of taking by devise as if they had been born free. They were also allowed to sue in the courts, and their marriages were to be considered as valid as free

marriages. In 1810, it was enacted that the slave of every person moving into this State and residing here for nine months should be free at the expiration of that period; and that no indenture for the services of a slave entered into outside this State should be obligatory within this State—any person so held to be free. Certain privileges were also granted to emigrants who brought their slaves from Virginia and Maryland to the western part of the State. It was also enjoined upon all masters to teach their slaves to read the Scriptures before reaching the age of twenty-one—the penalty for neglect being the freedom of the slave.

Governor Tompkins, in 1812, called attention to the injustice of the law authorizing the transportation of slaves. De Witt Clinton, also, while a Senator, introduced several bills to prevent the kidnapping, inhuman treatment or further importation of slaves. Laws were enacted in 1813 relative to vagabond slaves, and to the forfeiture of licenses by innkeepers who sold them liquor. Severe penalties were named for those who kidnapped free blacks. Still more severe penalties were named in 1817 in a new law which condensed all previous laws into one. A more important amendment—no less than a decree of the final abolition of slavery in the State of New York—was added in § 32: "And be it further enacted that every negro, mulatto or mustee within this State, born before the 4th day of July, 1799, shall, from and after the 4th day of July, 1827, be free." This law was passed by twenty affirmative votes, out of a total of thirty-two in the Senate; and by seventy-five affirmative votes, out of a total of one hundred and twenty-eight in the Assembly. It was signed by Governor Tompkins.

In 1819, it was made a misdemeanor to send away from the State—save as the law provided—any slave or servant except such slave as might have been pardoned by the executive for some offence; and owners of slaves who resided for a time in other States were forbidden to sell to parties not resident within this State. This was the last enactment in regard to slavery. The institution ceased to exist in 1827, but the revised statutes contained the remnants of all the laws until they were wiped out by Chapter thirty-six of the laws of 1883.

While New York was thus taking steps to abolish slavery in her midst, meetings were held, in 1819, to protest against any farther extension of the slave territory in the United States. Both branches of the Legislature instructed the Senators and Congressmen to oppose the admission of any new State without a prohibition of slavery. Martin Van Buren voted for such instruction, but afterward, in his inaugural address as President, declared he would veto any measure to abolish slavery in the District of

Columbia. The leading Abolitionists of the State, under William Leggett, Beriah Green, and Gerrit Smith, redoubled their exertions in spite of mobs in Utica, Albany, and other places. Finally, in 1840, when Governor Seward refused to deliver to the Governor of Virginia three persons charged with the stealing of a slave in that State, there was no longer any doubt in regard to the attitude of New York on the question of slavery.

*En passant* we must devote a moment to the *status* of the free negroes in the State of New York. A law was passed in 1814 providing for the enlistment of slaves by the consent of their masters—manumission to accompany an honorable discharge. In the Constitutional Convention of 1821 the proper committee reported in favor of granting the franchise to every white male citizen 21 years old who had resided six months in the State and who had either paid taxes within a year or been enrolled and served in the militia. Peter Augustus Jay moved to strike out the word "white," on the ground that such a restriction would give less liberty to the free negro than he already had in the States of Virginia and North Carolina. Jay's amendment prevailed, Martin Van Buren and Abraham Van Vechten being among the affirmative voters, and Colonel Samuel Young, Elihu Root and J. C. Spencer among the negatives. A provision, however, was incorporated which required all colored voters to have a freehold of \$250, Van Buren, Young, and Root being in favor, and Chancellor Kent, the Patroon Van Rensselaer, Jay, Van Vechten and Platt being opposed.

At the breaking out of the Revolution (1775), each one of the original thirteen States allowed, if it did not welcome, the existence of slavery within its borders. The date and manner in which they respectively rid themselves of the institution may very aptly form the closing paragraphs of this article.

Massachusetts, of course, takes the lead, as might be inferred from her sending back a cargo of Africans that had been landed on her shores in 1646. The constitution of the new State was adopted in 1780, the first article in the Declaration of Rights affirming all men to be free and equal. Under this article the courts decided, in 1783, that slavery could not exist. An act to prevent the slave trade was passed in 1788. No compensation was paid to the alleged owners of slaves.

New Hampshire never had more than a sprinkling of slaves. By the census of 1767, there were 633 "negroes and slaves for life." In 1775 there were 479, and in 1790 there only 158. An elaborate petition in the nature of an agreement for their liberty was sent to the Legislature by twenty slaves in 1779. The House, however, after a long delay, ordered that the matter "be postponed to a more convenient opportunity." The



constitution of 1792 was understood as abolishing slavery without compensation to the owners of the slaves.

Rhode Island passed an act for the gradual abolition of slavery in 1784, providing for the freedom of all children born of slave mothers after March 1st in that year. Subsequent legislation did not materially alter this provision, except as to the liability of towns for the support of the freed people. The exact date at which slavery actually ceased to exist does not appear. Many old persons continued in a state of nominal servitude because of their dependence upon their masters; but it is certain that nothing was ever paid by the State for their freedom.

In 1780, Pennsylvania passed an act for the gradual abolition of slavery, which provided that after the passage of the act all children of slaves remained as persons bound to service until they arrived at the age of twenty-eight years. No compensation to owners was allowed.

New York finally abolished slavery, without compensation to owners, in 1827, as we have seen above.

New Jersey's act for the gradual abolition of slavery was passed in 1820, but the act for final abolition was not passed till 1846. No compensation was allowed.

Connecticut passed an act in 1784 liberating all slave children born after that year when they reached the age of 25. A similar act, in 1797, liberated all that were born thereafter, at the age of 21. The census of 1840 gave a total of fifty-four slaves in the State. Slavery was finally abolished in 1848 without compensation to the owners.

The manner in which slavery ceased in Delaware, Maryland, Virginia, Georgia and the Carolinas, as well as in the other States of more recent birth than the original Thirteen, is foreign to the scope of this paper. Although New York did not foresee the inevitable, and act upon that vision as early as four of her sister States, yet she must have the credit of voluntarily doing away with slavery seven years before the agitations of Wilberforce led the British Parliament to pay twenty millions sterling as the price of emancipating 800,000 slaves in the West Indies; nineteen years before the institution ceased in New Jersey; twenty-one years before it had an end in Connecticut, and thirty-six years before the American Republic was free within all its borders.

*Frederic G. Mather.*



## WILLIAM III. OF ENGLAND

### HIS INFLUENCE ON AMERICA

The stern, tranquil, melancholy face of England's Dutch king, as shown in the frontispiece of the Magazine for this month, reminds us that nearly two centuries have elapsed since this royal personage stood before the world in the attitude of a revolutionary leader; and that the remarkable influence he exerted upon the forming institutions of America deserves grateful recognition from the millions of liberty-loving people who inhabit our vast national domain. He was a Prince of Holland birth, cradled and bred in a country where principles of personal freedom had long since become potent forces, possessed the ambition of a genuine ecclesiastical reformer and also the qualities of a great ruler. The English nation, over which he was called so mysteriously to reign, was at that period in a peculiar struggle for the proper adjustment of the rival claims of Church and State. The revival of letters and the Protestant Reformation had recently given an impulse to activities of every character. Intellectual restlessness pervaded the atmosphere of society. An irresistible tendency toward a democratic condition of affairs—where the people were to be lifted into higher political privileges—created extraordinary antagonism, nowhere more pronounced and apparently unmanageable than in England. The intelligence of the realm was divided on the questions at issue, one of which was the vindication of its right to administer its own government without dictation from any foreign ecclesiastical power. And the hostile parties on either side were unable rightly to interpret the meaning and the direction of the great movements which were to reflect themselves so forcibly and permanently upon the progress of mankind.

William, Prince of Orange, had been a close student of politics and of military science. He believed himself able to lead enthusiastic Protestants on a crusade against Popery with the good will and good wishes of every Papist government, and even of the Pope himself. He was less than forty years of age, physically feeble, with a hoarse asthmatic cough, the victim of severe nervous headaches, could only breathe in the purest air, and never slept unless his head was propped with numerous pillows. He was the son of William II. Prince of Orange, and Mary, the daughter of Charles I. of England. But it was chiefly because his wife was the daughter of James II. that he was called to the rescue of Protestantism and constitutional

liberty in the British kingdom. When he married his cousin Mary he was a cold, sullen, apparently unhappy, and a very unattractive young man of twenty-seven, while the bride was but fifteen years of age. It was nine years afterward that William fell romantically in love with Mary—but it was not until she had signified her disposition to endow him with all governing power should she in the natural course of events become Queen of England. Thus his invincible will was soothed and fortified for the critical future, and the sympathy and confidence of Mary was through his suddenly awakened and sincere affection permanently secured, which proved of vital consequence to the success of his wonderful schemes.

The coronation of William and Mary, and the inauguration of Washington as first President of the new Republic of the Western Continent, occurred just one century apart—two great events in the history of the world which may almost be defined as the two sides of one event. From 1689 to 1789 the march of human affairs was no less rapid and marvelous than in our own century following; and the tendency, with all its manifold interruptions, was in one general direction. How the revolution in which William III. was the central figure bore upon the revolution in which Washington was the hero, will ever prove a source of useful and fruitful study. The imposing ceremony at Whitehall in February, 1689, found a fitting centennial celebration in the imposing ceremony in Wall Street in April, 1789. The scene when the Lords and Commons assembled in the magnificent Banqueting House to consign the destinies of England to a Dutch prince was one of great brilliancy. Entering by the northern door, William and Mary, side by side, advanced and took their places under the canopy of state. Both houses approached, bowing low. Halifax spoke for the Convention, which, he said, had agreed to a resolution, and he prayed their Highnesses to hear it. William and Mary signified assent. The Clerk of the House of Lords then read in a loud voice the Declaration of Right. When this was concluded Halifax, in the name of all the estates of the realm, requested the Prince and Princess to accept the crown. William responded in his own name and in that of his wife, saying: "We thankfully accept what you have offered us." For himself personally he assured the Lords that his study should henceforward be to promote the welfare of the kingdom, and that he should constantly recur to the advice of the Houses and be disposed to trust their judgment rather than his own.

His words gave great satisfaction. The Lords and Commons at the conclusion of the ceremonies reverently retired from the Banqueting House and proceeded in procession to the great gate of Whitehall. All

the space as far as Charing Cross was one sea of heads. The Garter-King-at-Arms, in a loud voice, proclaimed the Prince and Princess of Orange King and Queen of England, charged all Englishmen to pay faith and true allegiance to the new sovereigns, and besought God, who had already wrought so signal a deliverance for the Church and nation, to bless William and Mary with a long and happy reign.

The American colonies were jarred as by the shock of an earthquake. The notion of equality took sudden form, and its seed fell in fertile places. Liberty became a charmed word, however imperfectly understood. In Boston it speedily meant insurrection. The people assembled, arrested and imprisoned the royal governor and his advisers, and officered a "Council of Safety" to rule the colony. Plymouth, Rhode Island and Connecticut reconstructed themselves on a similar basis. New York fell into a significant tangle of confusion which nearly rent the colony in twain. Two years later William ordered a government for New York, which continued substantially in operation for nearly a century, and under which the new political creed of the sovereignty of the people broadened with each rolling decade, until it finally developed into a power that proved one of the chief pillars of the structure erected on our soil—an independent empire. William's brilliant career as king covered a period of thirteen years, and in the meantime the Bank of England was created; the modern system of finance introduced; the coinage purified; the liberty of the press established; a standing army constitutionally formed; the independence of the judiciary secured; and the English Constitution adapted by a natural, gradual, peaceful development, to the wants of modern society. Freedom of conscience, and freedom of discussion existed at the time of William's death to an extent unknown in any preceding age. America, even more than England, profited through the triumphs of his sagacious statesmanship. It was the leaven of the loaf. Ere the century closed action had been given to the political machinery of a new form of government capable of developing the resources and insuring the prosperity, power and permanence of a great people. With the sublime ceremonial of 1789 (the anniversary of which we are even now preparing to celebrate), when Washington, standing on the balcony of the old Federal Hall in Wall Street, in the center of a group of American statesmen, took the impressive oath of office and entered upon his presidential career, the life current of liberty leaped into a perpetual flow.

## THE GREAT SEAL OF THE COUNCIL FOR NEW ENGLAND

"The Council established at Plymouth, in the County of Devon, for the planting, ruling, ordering and governing New England in America," was incorporated on the third day of November, A.D. 1620. There were forty members of the Corporation, some of them being of high rank. The territory placed under their control extended from ocean to ocean, between the fortieth and forty-eighth parallels of north latitude.\* Between the date of the charter of the Corporation, and the date of its surrender, on the seventh day of June, A.D. 1635, many grants of land were made, bearing the broad seal of the Council, yet but one of all these seals is known to be in existence, and that is in such an imperfect state that it has hitherto been thought that the device upon it was undecipherable. The seal referred to is in the Recorder's office at Plymouth, Massachusetts, and was formerly attached to the patent procured by Isaac Allerton, who was sent four times to England by the Pilgrims to obtain a patent from the Council for New England, enlarging their original grant, and establishing the boundaries of the "Old Colony."† This patent, which bears date January 13, 1629, was in the possession of the family of Governor Bradford till 1741, when, Josiah Cotton says, "after a deal of labor and cost," it was found at Plympton, and used in the litigation respecting the boundary line between Massachusetts and Rhode Island. Since 1820 it has been in the office of the Registry of Deeds at Plymouth. By order of the General Court, the seal, of brown wax (being broken and defaced), was repaired by a watchmaker ‡, who probably warmed it, thereby rendering the figures which were in bas relief so indistinct § that antiquarians interested in the matter have given up all attempts to decipher it. The fate of the original seal of the Council is unknown. It is not to be found in the British Museum or in any other public institution of England. We know that in 1632 it was in the possession of the Earl of Warwick, one of the most prominent members of the Council, who, it would seem, had a misunderstanding with his associates, and retained the seal against their wishes. The following record explains the situation:—"Att y<sup>e</sup> Lord Great Chamberlains House in Chan-

\* Hazard's Hist. Coll. 1, 103-118.

† Ancient Landmarks of Plymouth, p. 60 et seq.

‡ The following statement accompanies the seal:

"Salem, Octr., 1818.

\* This Seal was repaired by Theodore Morgan, Watchmaker."

§ Mass. Hist. So. Proceedings, 1866-7, p. 469.



THE SEAL OF THE COUNCIL FOR NEW ENGLAND WHICH WAS ATTACHED TO THE PATENT OF JAN. 13TH, 1629,  
NOW AT PLYMOUTH, MASSACHUSETTS.

nell Rowe, the 26 of Novemb<sup>r</sup> 1632," it was resolved, that, "In regard y<sup>e</sup> Companyes great seale remained in the Earle of Warwicks hands, y<sup>e</sup> Lord Great Chamberlain was intreated to move y<sup>e</sup> sd Earle of Warwicke effectually for y<sup>e</sup> delivery of it unto S<sup>r</sup> Ferdinando Gorges, T<sup>r</sup>er, into whose hands itt ought to remaine; also S<sup>r</sup> Ferdinando Gorges promised to desire y<sup>e</sup> sd Marshall to joyn<sup>e</sup> w<sup>th</sup> y<sup>e</sup> L. Great Chamberlaine in shewing<sup>e</sup> y<sup>e</sup> Earle of Warwicke, y<sup>e</sup> necessity of haveing y<sup>e</sup> seale delivered forthwith unto y<sup>e</sup> T<sup>r</sup>er, in regard of pattents w<sup>ch</sup> at every meeting were desired." This was the last of several attempts which the Council made \* to obtain the seal, and it was finally successful in obtaining it, for "At a meeting in the Earl of Carlile's Chamb<sup>r</sup> at Whitehall, the 26th day of April, 1635," the order was passed for "The Earl of Arundell, with Sec<sup>ry</sup> Windebanke, to deliver the Great Seale to S<sup>r</sup> Ferd: Gorges." †

\* Records of the Council, pp. 62, 63, 65.

† Records of the Council, p. 74.



Of course great curiosity has existed to learn the design on this important seal, and much has been written about it. The late Dr. Palfrey prefaced the title-page of his *History of New England* with the following "Advertisement." "The title-page to this edition \* is embellished with an engraved copy of what was probably the seal of the Council for New England. When I was in England I took great pains to find an impression of that seal, but without success; which surprised me, the patents issued by the Council having been so numerous. An impression of the seal in wax is attached to the patent of Plymouth Colony, issued in 1629; but it has been so broken and defaced that the device is undistinguishable. Mr. Charles Deane believes that he has discovered this in an embellishment of the title-page of two of the publications of Captain John Smith. I might do injustice to Mr. Deane's ingenious argument (which, I understand, will soon be published in a volume of the *Proceedings* of the Massachusetts Historical Society), should I attempt to exhibit it. It will be found to have great force.

J. G. P.

Cambridge, Massachusetts, 1865, July 21."

This advertisement was inspired by the following letter from Charles Deane, LL.D., the eminent historiographer, whose contributions to New England history are invaluable: †

"Cambridge, 10<sup>th</sup> June, 1865.

Dear Dr. Palfrey,—You have made inquiry, during the last few years, concerning the seal of the 'Council for New England,' which was incorporated 3d November, 1620,—whether any impression of it in wax, or any representation of it in any form, is extant among us, my search for such an impression of it has hitherto been fruitless; but I venture the opinion that I have now discovered or identified it.

My attention, a few weeks since, was called anew to the arms impressed on the reverse of the title-page of Captain Smith's 'Advertisements for the Unexperienced Planters of *New England*, or anywhere,' . . . London . . . 1631; the same arms being also displayed in the body of Smith's *Map of New England*, in the two latest editions of it. Copies of the former of these two editions of the map had probably been first issued in the 'Advertisements,' in 1631. I knew that these arms were not the arms of Smith, or of any one to whom he had dedicated his book; and I was curious to ascertain for what reason they were here placed in such intimate connection with the memorials of New England. I then examined with fresh interest, what I had seen a hundred times before,—the beautifully engraved title-page of Smith's 'Generall Historie of Virginia, New England, & the Summer Iles, . . . London, . . . 1624,' and I there observed these same arms represented, along with those of Virginia, which bear the motto, 'En dat Virginia quintum,' and also with the arms of Bermuda (or, 'Summer Iles') Company, bearing the motto, 'Quo fatæ ferunt.' The inference is, therefore, irresistibly forced upon me, that the arms referred to are those of the

\* See Advertisement preceding the Preface, *Hist. N. E.*, large paper Ed., 1865, or *Mass. Hist. So. Proceedings*, 1866-7, p. 469.

† *Mass. Hist. So. Proceedings*, 1866-7, p. 469.

seal of the Council for New England. I will add, that, after the fashion of the time, there is delineated, on the engraved title-page of the 'Generall Historie,' an abridged map of Virginia and New England. Near the part representing Virginia are the arms of Virginia; and near the coast of New England are placed the arms, which I now venture to call the arms of the Council for New England, an impression of which I now send you in one of Smith's books.

I supposed this seal was affixed to the principal grants of the Council; but the original parchments of most of these grants are not known to be in existence; and those which I have examined are deficient in the wax impressions of the seal. The Patent of New Plymouth, of 13<sup>th</sup> January, 1629-30, has the seal; but it is so broken and defaced that I understand the impression cannot be made out.

With great regard, I am, dear Sir,

Very truly yours,

Charles Deane.

Hon. J. G. Palfrey."

In a communication to the Massachusetts Historical Society in March, 1867, Dr. Deane, calling attention to the seal on Smith's Map, said, that "Since addressing the above letter to Dr. Palfrey, I have inspected the impression of the seal of the Patent at Plymouth. It had been broken in pieces; and, some years since, an attempt was made to restore the fragments to their original position, but with little success. I will add, that the present appearance of the wax exhibits but little resemblance to the device above referred to, or indeed to any other heraldic figure.

"I made inquiry at the Heralds' College, in London, last year, and at other places in that city where I thought there was a probability of obtaining information on the subject of this seal, but without success.

"Mr. John Bruce, a distinguished antiquary, and a member of the Society of Antiquaries, kindly interested himself in my subject, and suggested some sources of inquiry. In a note to me he says: 'In Edmondson's Heraldry, London, 1780, folio, vol. 1, which you have probably consulted, amongst the arms of societies and bodies corporate established in London, occur the arms of the Virginia Company and the Bermudas Company, but, strangely enough, not those of the New England Company. The two former agree, I believe, with the representations on Smith's title-page. In that case, your inference as to the last being the subject of the third coat given by him, seems almost conclusive.'"

Since the time that Dr. Deane made this communication to the Massachusetts Historical Society, the seal found on Smith's Map has been adopted by writers\* as the veritable seal of the Council for New England. A few months since, in preparing the Trelawny Papers for publication, my

\* Memorial Hist. of Boston, vol. 1, p. 92. Publisher's Preface to Advertisements for the Unexperienced Planters of N. E. Boston, 1865, et passim.

attention was drawn to several fragments of the seal appended to the patent granted by the Council December 1<sup>st</sup>, 1631, to Robert Trelawny and Moses Goodyear, and a careful comparison of these fragments with the arms on Smith's Map, led me to suppose that the latter was not the seal of the Council, and in February, 1883, I called attention to the subject in the *MAGAZINE OF AMERICAN HISTORY*.

The reasons there given for my supposition were, that on one of the fragments the letters A G N appeared in juxtaposition, and that on the Smith arms such letters did not so appear. A figure on another fragment appeared with legs crossed, and neither of the figures on the Smith arms so appeared, nor was there on these arms the figure of a ship, which one of my fragments bore.

After instituting a careful search through a correspondent in London for information respecting the seal of the Council, I determined to visit Plymouth and inspect the seal which was said to be undecipherable, and, much to my satisfaction, I found that the figures upon my fragments were, without doubt, borne by the seal at Plymouth. In fact, by the aid of these fragments, I was enabled to make out a considerable portion of the design on the Plymouth seal, which consists of a ship at the bottom, and two figures, an Indian on the left, and, probably, a European on the right. Both the figures appear to have their legs crossed, which would indicate that they were supporters to a shield. Over their heads appeared to be a scroll, and about them fragments of what seem to have been mantlings to a shield, while the whole is surrounded by a bordure bearing a legend unfortunately not decipherable. From a critical examination of the Plymouth seal, I am of the opinion that the dexter figure is misplaced, being too near the sinister, and placed too high, and that it should occupy a position as near the bordure as the sinister figure occupies, and stand on the same level. The mantlings, if such they are, which are broken up and mixed in confusion about the figures, should be placed above them, supposing, of course, these figures to be supporters. It should, however, be observed that there is barely room within the bordure to place them thus. The question will, of course, arise, What, then, are the arms on Smith's Map, which have hitherto been supposed to be those of New England? In order to meet this question understandingly, it may be well to refresh our memories by reconsidering briefly the history of the three chartered corporations called in their charters the "First and Second Colony" and the "Council" established at Plymouth, in the County of Devon, "for the planting, ruling, ordering and governing New England in America," \* or, popularly, the

\* Hazard, 1, pp. 103-118.

South Virginia Company, the North Virginia or Plymouth Company, and the Council for New England or Plymouth Council—all distinct corporations, although the two latter were located at Plymouth, and their charters embraced the same or nearly the same territory.

Both the two first companies were incorporated April 10, 1606, under one charter, called the First Charter of Virginia\*—the first company, it is said, "consisting of certain Knights, Gentlemen, Merchants and other Adventurers of our City of London and elsewhere," and the second of "sundry Knights, Gentlemen, Merchants and other Adventurers of our Cities of Bristol and Exeter, and of our Town of Plimouth and other Places."

The territory granted to the two companies extended from the sea inland fifty miles—that to the first Company lying between the 34th and 41st, and the second between the 41st and 45th parallels of north latitude. Subsequently, the rights of the two companies were confirmed and enlarged under separate charters.† We will not follow the history of the South Virginia Company, since we know that the arms found on Smith's map near Virginia represent the seal of that Company.‡ The Northern Virginia Company sent out in the spring of 1607, from Plymouth, three ships with a hundred colonists, accompanied by two natives whom Gorges had instructed as interpreters, and carrying everything needful for the establishment of a colony. After a successful voyage, the colonists arrived at the mouth of the Kennebec, and, August 8th, began a settlement there under George Popham as president.§ The history of this unfortunate undertaking is given by Gorges in the graphic expression, "our former hopes were frozen to death." The death of Popham, and the breaking up of the settlement, so paralyzed the Northern Virginia Company, that it was unable to raise men or means to undertake another settlement, when Captain John Smith, having left the employ of the Southern Company, to whom he had rendered important service, returned to London and determined to visit the country granted to the Northern Virginia Company. Obtaining two ships, he set sail, and, in April, 1614, reached Monhegan, near the mouth of the Penobscot.|| During the summer he ranged the coast, trading with the natives, and laying in a supply of fish, at the same time making the map of the country which has before been mentioned. Returning to Plymouth after a successful voyage, and giving an enthusiastic

\* Hazard, vol. 1, pp. 50-58.

† Ibid, 1, pp. 58-81.

‡ The Virginia Company of London, Albany, 1869, p. 154 et. seq., and Stow's Survey of London, 1632.

§ Brief Narration, Me. Hist. Coll. p. 20.

|| A Description of New England, 1865, p. 19.

description of the country, he says, that "it pleased Sir Ferdinando Gorge and Master Doctor Sutcliffe Deane of Exeter, to conceive so well of these projects, and my former employments there, to make a new adventure with me in those partes, whither they have so often sent to their continuall losse." \* This adventure proved unsuccessful, and he returned to Plymouth, where with unabated enthusiasm he endeavored to arouse the spirit of colonization.† It was at this time (1616) that he published his map of New England, comprising the grant to the Northern Virginia Company, that is, the territory lying between the 41st and 45th parallels of latitude. He prefaces his book with an address to this Company, in which, he says, "I have made knowne unto you a fit place for plantation, limited within the bounds of your Patent and Commission." It is but proper to state that this map, which bears the date of Smith's first voyage to New England, namely, 1614, does not show the arms which have been supposed to be those of the Council for New England, nor do we find them until they appear upon the elaborately engraved title-page of Smith's General History, published in 1624, and this has been properly taken as an argument in favor of the theory that they were the arms of the Council, which, at that date, had been in existence three years and over. It should, however, be observed, that Smith had been intimately acquainted with the Northern Company of which the Council was the successor, though the charter of the latter covered a larger territory, and so must have been familiar with the arms of the old Company, while the Council for New England, as a different organization, was, perhaps, almost unthought of by him. By this it is not to be supposed that he was ignorant of the existence of the Council, which we are told, "was substantially a reorganization of the Adventurers of the Northern Colony of Virginia,"‡ for this reorganization, with certain exclusive privileges not formerly possessed, was the subject of active opposition in Parliament, and doubtless attracted public attention; but that he regarded the new Company simply as a reorganization of the old one, in order to gain larger privileges, and, hence, saw no special distinction between them. Although Plymouth was the locus in quo of the Council, its meetings were held in London, and we are informed that "The attendance on these meetings throughout was most meager. Sometimes only two members, and barely more than half a dozen at any time being present."§ In fact but little interest was felt among the members outside of Gorges and one or two others whom Smith had always known as leading spirits in colonization, during the existence of the old Company. To one, then, conversant with

\* Ibid. p. 67.

† Generall Historie, vol. 2, p. 2.

‡ Vide Records of the Council, p. 7.

§ Ibid. p. 13.



the indefinite and loose method of doing things at this time—and no better example can be cited than the manner in which the Council for New England transacted its business—it may not seem strange that the title-page of Smith's History of 1624 should have impressed upon it the arms of the Northern Virginia Company, near the territory which had belonged to it a few years before. Of course, it is quite probable that Smith had nothing to do with the embellishment of his book, and that his enterprising publisher, Sparks, attended to this duty, who, if he knew, as perhaps he did not know, that a new coat of arms had been adopted by the new Company, did not deem it important enough to take the trouble which might have been necessary to procure it; indeed, we have a curious instance of the slight importance attached to accuracy in the use of embellishments, in the employment of this very coat of arms which we are considering to decorate the title-page of a medical book published in 1637.\*

But there is still another question, which is, when did the Council for New England procure a great seal? We have proof that it did not possess one a year after its incorporation, since the Pierce Patent, so called, which was issued June 1st, 1621, bore the individual names and seals of the governing board of the Council.† That the Southern Virginia Company did not adopt a coat of arms until it had been in existence for thirteen years we know from the following extract from the Company's record of November third, 1619. "Whereas formerly a seale for the Company called the Legall Seale was referred unto a committee to consider in what manner should be, and nothing as yet done therein. It was agreed that Mr. Harecutions be intreated to give the Auditors sometime a meeting at St Edwin Sandis, where they will devise to take a Cote for Virginia and agree upon the seale," and November fifteenth, "Touching the Legall Seale spoken of in the Last Court, the Auditors at their Assembly have therein taken some paynes to w<sup>ch</sup> they now presented to this Courte; and whereas they had spoken to me for the cutting of it, there is one Mr. Hole ‡ who would appropriate that unto himselfe under pretence of hav-

\* This book, a copy of which is in the Congressional Library at Washington, is entitled, "A Briefe and Necessary Treatise, touching the cure of the Disease now usually called Lues Venerea, etc., etc., newly corrected and augmented in the yeare of our Lord 1596. By William Clowes, one of her Maiestie's Chirurgiens. The Third Edition, London, 1639. Printed by M. Dawson."

The arms appear on the reverse of the title-page of this book, and "are identical in every respect, even to measurement, with that on the reprint of Smith's Advertisements." See Letter of Chas. E. Banks, M.D., to the author.

† Ancient Landmarks of Plymouth, p. 40.

‡ This was William Hole, who engraved the map in Smith's *Generall Historie* of 1624, the title-page of which bore the arms of the Southern Virginia Company as well as those under consideration. Both coats may have been engraved about the same time, viz., 1619-20; indeed it would

ing a Pattent for the engraving of all seales w<sup>ch</sup> hath the kinges arms, but not for any part thereof, and therefore appointed them to repaire to Mr. Xtopher Brooke, of Lincolne's Inn, to examine it, and to bring his opinion under his hand in writing, and accordingly it should be determined." There is nothing apparent in the records of the Council up to June 29th, 1623, at which date the incorporators had just succeeded in arranging their individual interests, to indicate that they possessed a great seal, while in the latter portion of their records one is frequently alluded to. The patent, however, to Gorges and Mason, granted August 10th, 1622,\* purports to have been sealed with the common seal of the Council. It is proper to remark that a seal is spoken of in the records to be used in certain mercantile transactions,† but in such matters the great seal of a corporation was not used, that being affixed to important instruments only, like grants of land. From all this, then, the conclusion seems forcible that the arms found upon the title-page of Smith's *Generall Historie* of 1624 are those of the Northern Virginia Company rather than those of the Council for New England.

seem that the Northern Virginia Company, imitating its more successful sister Company, would be likely to adopt a coat of arms if she did, in which case both seals were comparatively new when used in Smith's title-page in 1624. When the seal of the Southern Virginia Company was presented to King James, it bore on one side St. George slaying the dragon, and the motto, *Fas Alium superare draconem*, referring to the unbelief of the natives. This motto the king ordered to be omitted, but was pleased with the motto on the other side, *En dat Virginia quintum*, having reference to the four crowns. This coat of arms may be also seen in the Dowse copy of Stow's Survey of London, Ed. 1633, p. 620, in the library of the Massachusetts Historical Society.

\* Provincial Papers of New Hampshire, vol. 1, pp. 10-17.

† Records of the Council, p. 28.

James P. Baxter.

## ORIGINAL DOCUMENTS

SIR HENRY CLINTON'S ORIGINAL SECRET RECORD OF PRIVATE DAILY INTELLIGENCE

*Contributed by Dr. Thomas Addis Emmett*

WITH AN INTRODUCTION AND NOTES BY EDWARD F. DELANCEY

*(Continued from page 352, Vol. XI.)*

*Captain Marquard to Capt. Beckwith.*

D: B.

*Morris House,\* 22<sup>nd</sup> June, 1781.*

I have not mistaken E. B. as to the encampment on the other side of the North River.† I was very particular in questioning him about its situation, and he told me that it was on the *West* side of Hudson's River; almost opposite, but higher up, than Teller's point.‡

About Norwik, or Norwalk, am of your opinion. E. B.'s information about the French being there was only grounded on the talk of the country people.

The place where Genl Howe's Continental Regiments are now, is not *Sewarock* but *Scrubbock* § plains, a place well known between Peekskill hollow, and Crompond. My spelling, or rather hurry, was the cause of this mistake.

E: B: has made out a man on the other side the Croton, where he himself dares not come,|| from whom he hopes to get all possible information. The money you mention he shall have the first time I see him.

Y's &c

Marquard.

*From Capt. Beckwith. 23<sup>d</sup> June 1781.*

Elias Botner of Philadelphia, came to this city last evening from Shrewsbury. ¶ Says he left Phil<sup>a</sup> about three weeks ago, and came to Bucks County, where he remained till the 19<sup>th</sup> Ins<sup>t</sup>, and then came off for New York. On his coming to Bristol [he] observed some French soldiers, light-horse men, and some baggage

\* On the Heights near Fort Washington, New York Island, now known as the "Jumel House."

† "E. B."—*EH Benedict*. See note to entry of 7th June, *ante* p. 167.

‡ Near Verdrietige's Hook, below Haverstraw.

§ "Scrub Oak," now called "Shrub Oak," mentioned before in entry of 20th June and note, is here meant.

|| This was probably one of the Strangs, a good yeoman family of Westchester, of French origin, which was very much divided in politics at the time of the Revolution, and whose members took very decided views of things.

¶ In Monmouth Co., N. J.

waggons, and was informed they were part of Troops that were at Christiana Bridge in Newcastle County.

On the 17<sup>th</sup> Ins<sup>t</sup> he was in company with a person who left Baltimore in Maryland last week, who informed him, that when he left Baltimore, a number of British vessels, and flat bottom boats were in sight of Baltimore, & that the Inhabitants of that town were removing their effects.

The militia of Pennsylvania and Jersey are not called out. Few recruits have been raised for the Pennsylvania line.

The Soldiers in that line have not received their pay, and are very mutinous and dissatisfied. It is said the French have promised to pay them in hard money; but he understood this to be thrown out to keep them in good temper.

New York 23 June 1781.

S. S.

*From Colonel Robinson to Captain Beckwith.*

New York 28<sup>th</sup> June 1781.

David Gray is just come in from the State of Vermont, which place he left this day fortnight.

He says that the people of that State are very quiet. Judge Jones\* and Col: Wells† both desired him to give their compliments to Col: Robinson,‡ and to tell him that the State of Vermont would certainly come to an agreement of neutrality with the British in the Assembly that was to sit at Bennington last week, but they could not publish it 'till the army moved from Canada. Col Ethan Allen went with a flag to agree upon terms, and was returned the day before he came away. They are collecting arms & ammunition from New England, under pretence of defending themselves against the Indians.

He (Gray) passed through Hartford, Saturday the 23<sup>d</sup>. Three hundred of the French troops that day got to East Hartford, where they stopped, and were pulling out the pews, &c. of a meeting house to make barracks.§ He was told 4000 were to march for head quarters. He left the Rope ferry || last Saturday. He did not hear of the French troops having marched on from Hartford.

The French Fleet still at Rhode Island. At Hartford he saw and spoke to

\* Judge Daniel Jones.

† Colonel Samuel Wells, of Brattleborough.

‡ Col. Beverley Robinson.

§ This "meeting house" is thus spoken of by *Claude Blanchard* in his "JOURNAL," p. 110, under date of 19th June: "Before reaching Hartford and crossing the river we find a village called East Hartford; it is there that our troops are to encamp. This village has only thirty houses and a temple" (*the French name for a Protestant Church*). Rochambeau's chief commissary left Hartford on the 22d. so that he did not see the pulling to pieces of the "temple," which Gray witnessed the next day. "Meeting houses" suffered in the Revolution from "friends" as well as from "foes," it would seem.

|| Across Niantic Bay, about three miles west of New London. Gray probably crossed the Sound to Lloyd's Neck, and came to New York via Long Island.

Col: Sheppard, who was mustering the recruits of Massachusetts State ; who told him Genl Washington had sent orders for that State to raise 1500 recruits for the Continental Army ; also for forwarding all the artillery stores ; that he must have men enough to attack New York to prevent the British sending men to the southward.\*

*From Capt. Beckwith (on the same paper) 23<sup>d</sup> June '81.*

On the 19<sup>th</sup> Ins<sup>t</sup> a frigate arrived from Boston at Newport, in the evening, and after taking ten pilots on board, sailed the next morning, & its imagined they are bound to the West Indies to pilot a fleet from thence before the Hurricane months.

The French troops that were at Providence when we gave you the last intelligence remained there the 21<sup>st</sup> Inst. Two hundred of the troops which were left at Newport have since joined them, and 200 of those which lately arrived at Boston, came to Newport by land the 19<sup>th</sup>. There are now on the Island 400 French troops and 500 militia.

In the fleet of 12 transports which arrived at Boston, mentioned before, only 600 Recruits for the Army arrived, and some for the Navy : the number uncertain.

The 200 arrived at Newport are all that at present are fit to march from Boston.

The fortifications, shipping, &c., remain in the same situation they were in the 13<sup>th</sup> Ins<sup>t</sup>.

*Intelligence received from Mr. R. Alexander.† New York, 23<sup>d</sup> June, 1781.*

"The gentleman who sent the newspapers to Mr Alexander, requests he may be informed that Genl Green is on his return from S. Carolina ; the reason of which as alledged here is, that the Militia in that quarter are turned out in numbers sufficient to keep in awe the Garrison of Charlestown. That a fleet of British ships

\* This refers to Washington's call upon the Governors of the Eastern States of 24th May, for the troops specified, by the 1st of July, 1781.

† This was Mr. Robert Alexander, of Baltimore, Maryland, a lawyer and a gentleman of property, position and influence. He was prominent in Baltimore affairs for many years prior to the war. In 1774 he was a member of the Committee of Correspondence on the Boston Port Bill, and also chosen the same year a representative for Baltimore at the Annapolis Convention, which passed non-importation resolutions, took measures for the relief of Boston, and chose delegates to the Continental Congress. In September, 1775, Mr. Alexander was elected a member of the Provincial Convention, and in December of the same year was elected by the Convention a delegate to the Continental Congress, and again chosen to the same position on the 14th of July, 1776. On the 27th of July, 1776, the Declaration of Independence was first promulgated and publicly read at Baltimore. Alexander did not approve it, for on August 19th, 1776, the Journal of the Baltimore County Committee says : " It having been represented to this Committee that Robert Alexander, Esq<sup>r</sup> has uttered several reprehensible expressions in a speech made to the people at the close of the polls for delegates for Baltimore Co. in the Provincial Committee, this Committee think it their duty to take notice of the matter." and they summoned five gentlemen "to give evidence relat-



are, within a few days past, arrived in Chesapeake. That, a number of British vessels with troops on board, are in Potowmack.

That the *Hermione*, after her arrival at Newport, had sailed with all the small ships of the French fleet, on some private expedition. That the French troops from Newport were on their march to join Gen<sup>l</sup> Washington. That a ship and two Brigs arrived this day from the Havanna.

Phil<sup>l</sup> 13<sup>th</sup> June 1781."

27 June, 1781. *Observations made by a person who went to Verplanck's Point, the — in a flag of truce.*

"Sailing about between Stoney & Verplanck's Points I had a fair view of them both. At Stoney P<sup>t</sup> I counted 35 in number, men, boys, and blacks: and saw the appearance of 2 pieces of cannon. At Verplanck's, counted 25 in number, and 2 pieces of cannon: and by what I could learn from the Guard, the number of men I saw was near or quite the full complement of men they had. But they said they had 4 pieces of cannon at Verplanck's, and 2 at Stoney pt. A Cap<sup>t</sup>, Lieu<sup>t</sup>, & Ensign, at each post, with a Lieu<sup>t</sup> of Artillery for both."

Opposite Tarrytown on the West Shore he saw 6 Whaleboats, and about 42 men in all. No appearance of any of them fitted for carrying swivels or wall pieces.

He was by a mistake admitted into the Blockhouse near Sneathing's Landing.\* It is a Redoubt about a mile & a half from the landing, on a very rough Rocky height, Picketted in all round with tops of trees and branches; no way to get in without climbing over: About 4 Rods within this circle, is a round breastwork running quite round the height, 8 feet high, with a gate to pass in on the west side. Within that circle about 3 Rods, is another breastwork running round the top of the height, about the same height as the other, on which is wooden embrasures built, in which they have one piece of Cannon on a travelling carriage. On the South side [of] the inward work a gate opens into the first breastwork. The rise of the height is so much as to cause the top of the first breastwork to be no higher than the bottom of the second.

At this time it was commanded by a Lieu<sup>t</sup> 2 Serg<sup>ts</sup> 2 Cap<sup>ts</sup> and 25 men in the works.

ing to it." What the result was, is not given, but Alexander afterward left Maryland, came to New York, and subsequently went to England. In 1783 he was appointed by the Maryland loyalists agent for Maryland to obtain compensation from the British Government for their losses, and as such his name appears in the official proceedings of the Board of Agents before the "Commission for Enquiring into the Losses of the American Loyalists." *Scharf's Chronicles of Baltimore, Force's Archives, Fifth Series, I. 1057. Wilmot's Historical View of the Commission for the Losses and Claims of the American Loyalists, 46, II. Sabine, p. 470.*

\* Sneden's Landing, or Paramus Landing, on the west side of the North River, opposite the village of "Dobbs Ferry" on the east side. It was the western landing place of the ferry called Dobbs Ferry.

*Intelligence by E. Yeomans, 27<sup>th</sup> June 1781.  
Rec<sup>d</sup>. from Cap<sup>t</sup>. Beckwith the 25<sup>th</sup>*

"The word is that Washington is moving to Peekskill.\* That a scout is expected to the White-plains on the East side of the River, another on the West side thro' Tappan. That the French from Rhode Island are coming to West p<sup>t</sup>. There is nothing particular from the Southern parts."

30<sup>th</sup> June, 1781.

Lieut. Fulton of the King's American Dragoons,† informs, that he left this city in the month of April last, and went into the Province of New Jersey, to enlist men for his Majesty's service, that he proceeded thro' the country to Phil<sup>a</sup> and from thence to Baltimore, where he endeavoured to execute the purpose of his errand. That he communicated his intention to a man of considerable consequence and influence in that country, and received the most flattering promise of assistance. That he afterwards had a free intercourse with many of the principal inhabitants of Maryland, and particularly with Mr. Jas. Clarke, a man of great eminence there as a merchant.‡ That they invariably assured him of their readiness to assist him, but suggested the impracticability of his recruits making their escape. They were uniform in their opinion that if an opportunity was given by a movement of the British troops in their favor, that a very large proportion of the inhabitants would join them. That his own observation convinced him that the oppressions by taxes and otherwise were intolerable; and that the people were thereby rendered desperate. That a very great number made their proposals to him at different times to form into bodies, and to destroy the leaders of the Rebellion there, and to endeavour at an escape. Many of the gentlemen (among others a Cap<sup>t</sup>. Scott,§ formerly an off<sup>r</sup> in the army, and a Mr. Hammond ||) were so sanguine as to affirm positively that 1000 men might be immediately collected, was there a possible chance of their getting off. That, there is a Magazine for the French and Continental troops in the town of Baltimore, consisting of about

\* Washington, as we know by his Journal above mentioned, ordered a camp laid out at Peekskill on the 16th June, brigaded his troops and made his arrangements on the 18th, dispatched his first division to the new camp on the 21st, his second on the 23d, and his third on the 24th; the latter was the very day before this letter was received from Capt. Beckwith. So very early and very correct was Clinton's intelligence of Washington's first movement in the campaign of 1781.

† James Fulton of New Hampshire. He was proscribed and banished in 1778, entered the King's American Dragoons, became captain in the same regiment in 1782, and went to Nova Scotia after the peace.—II. Sabine, 450. His was the regiment commanded by the celebrated Benjamin Thompson, Count Rumford.

‡ James Clarke came to Baltimore about 1771, and was at this time one of its leading merchants.

§ Capt. George Scott, who, in 1782, with his family of six, went to Shelburne, Nova Scotia.—II. Sabine, 575.

|| "Mr. Hammond" was William Hammond, a prominent man at Baltimore, belonging to an old Maryland family.

5000 barrels of flour, and a large quantity of bread; and that there is besides considerable quantities of flour in the mills; and other valuable articles in the various stores. Also that at Chester\* there is another large Magazine of flour belonging to Congress, &c. That the most respectable characters with whom he conversed (anticipating some movement of the British troops toward Baltimore) had deliberately laid a plan of co-operating with them, and giving every assistance possible.† That at Patuxent there were five outward bound vessels loading with flour. That the defence of Baltimore consists of a Fort mounting ten or 12 guns. That 100 men commanded by a Cap<sup>t</sup> Wells are doing duty there, and that they are building a galley to carry four 18 Pr<sup>s</sup>.

*From Cap<sup>t</sup> Beckwith, 1<sup>st</sup> July, 1781.*

E. B.‡ informs me that Washington came to Peekskill on Friday.§ Headquarters are at Cortland's house, and the Park of Artillery is now there. The troops are now chiefly upon the East side of the River, in many different encampments from Peekskill to Crompond. The Rebels assert that they have 8000 men, but they have by no means so many. King's ferry is the most frequent one at present.

He heard nothing of the French troops.

\* In Pennsylvania.

† The entry of this letter is dated June 30th, 1781. Six days before, on the 24th, Lafayette wrote Washington his views of Maryland at this juncture. Their comparison with Lieut. Fulton's is of interest. The object of Lafayette's letter was to give his "sentiments" how "to improve Count de Grasse's assistance"; it was written from Mattapony, Va., on June 24th, and sent to Washington by Col. Morris of New York. He says, in stating his numbers: "The Marylanders will be six hundred. \* \* \* As to the militia, a demand from you upon the State of Maryland will procure one thousand well-armed militia. The conduct of some people in that State, appears to me very injurious to the public interests. The new levies have been every day delayed, every petty pretence employed to prevent their joining either General Greene or this army. The danger of Baltimore upon which I was not very hasty to quiet them, brought on a confession that the men were ready. I then demanded them in the most urgent terms. At last I sent George there, who wrote me that they make a beautiful battalion. But he could not obtain a promise to send them in three or four days." Spark's Rev. Corr., 342-3. They still held back, and two months later, on 21st of August, La Fayette again writes to the Commander-in-Chief, "Some days ago, I sent Washington to contrive the Maryland new levies out of their State. These Marylanders will be five hundred; Virginians, four hundred; Pennsylvanians, six hundred; light infantry, eight hundred and fifty; dragoons, one hundred and twenty, (2,470 in all.) Such is the Continental force; \* \* \* \* Maryland would send six hundred militia at least Ibid., 391.

‡ The Eli Benedict mentioned before, in the entry of 7th June and note.

§ This was June 29th. Washington's Journal does not state the day he came to Peekskill. He was at New Windsor on the 25th, and his first letter dated Peekskill was on the 27th, so that "E. B." was wrong by two days in this particular, but right as to Cortlandt's being the headquarters. This entry also shows how early Clinton had notice of Washington's movement to Westchester County, from a different source than that mentioned in the above entry of 27th June.

*Letter from Lt. Col: Upham to Maj: Gen: Riedesel.\**Lloyds Neck, 30<sup>th</sup> June, 1781.(Received 1<sup>st</sup> July.)

SIR :

Immediately on receipt of yours of the 27<sup>th</sup> inst, I looked for the means of obtaining the intelligence you was pleased to require. Two Refugees of fair character went to the opposite shore, saw several friends to Govern<sup>t</sup> who reside in that country, from whom they rec<sup>d</sup> the following information which may be relied on.

That the French troops have marched from R. Island in 4 divisions. That the 1<sup>st</sup> div<sup>n</sup> said to consist of 1000 men arrived at Danbury the 29<sup>th</sup> inst. The 2<sup>d</sup> and 3<sup>d</sup> were at Hartford the 28<sup>th</sup> following the first. The 4<sup>th</sup> was also on its way ; but its particular route or progress not known.†

The enclosed New Haven paper of the 28<sup>th</sup> accounts for the Legion of 600 commanded by the Duke DeLauzun.‡

Every third militia man in Connecticut to be drafted before next Monday Evening. One third part to Garrison West Point, the other two thirds to join the Continental and French troops.

Their object is universally believed by the Rebels, and friends of government to be New York.

Could not learn whether the Recruits lately arrived in Boston have joined the other troops.

N. B. The New Haven paper mentions the Legion being at New Haven.§

\* Major General Frederick Adolphus von Riedesel, Baron Eisenbach, the Commander of the Brunswick Troops. In Oct., 1780, Maj. Gen. Riedesel, who had been captured with Burgoyne's Army at Saratoga three years before, was duly exchanged, and Clinton immediately appointed him a Lieut. General, with a command in Long Island with headquarters on Brooklyn Heights. Hence his order to Lieut. Col. Upham which produced this report. On July 22d, 1781, he sailed for Quebec to assume the command of the German troops in that Province, and continued there till 1783, when he accompanied the troops on their return to Germany, arriving at Brunswick in September of that year. He subsequently served in Holland, became a Lieut. General in Germany, and died Commandant of the City of Brunswick, on January 1st, 1800, in his 62d year.—*Von Elking's Memoirs of Riedesel*, translated by W. L. Stone.

† These movements are those made by the French forces, after Rochambeau received Washington's letters by Col. Cobb, informing him of his proposed plan to surround De Lancey's corps at Kingsbridge, in connection with proposed attack on Fort Washington by Lincoln, from the Jersey side of the Hudson, which caused the French General to change his route and hasten his march.

‡ It was a legion of cavalry.

§ The Lt. Col. Upham who writes this report was Joshua Upham, of Brookfield, Massachusetts, a lawyer and a very able and distinguished man, the father of Charles Wentworth Upham, the author of the Life of Sir Henry Vane, and who was successively President of the Senate of Massachusetts, and a Member of Congress from the same State. Joshua Upham was opposed to the tyranny of the British Ministry, but refusing to take up arms against the king was proscribed and banished. He joined the Provincial forces, and rose to be Lieut. Colonel of the King's American Dragoons, of

*Neh: Marks to Major De Lancey. Lloyd's Neck, 29<sup>th</sup> June 1781.*  
(*Rec<sup>d</sup>. 1<sup>st</sup> July 1781*).

SIR

This moment a flag returned from Stamford. One of the officers belonging to the Keppel Sloop of War informs me that there are 4000 French troops on their march from Rhode Island, and that the 1<sup>st</sup> division has arrived at Danbury. The Rebels are drafting one in every three men. In case he refuses to go, he is to pay a fine of £70, hard cash. Am this moment going out, and if I can land, shall immediately inform you of my proceedings. Cap<sup>t</sup> Glover will inform you of our last cruise.

I am etc.,

Maj. De Lancey.

N. Marks.\*

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*To Cap<sup>t</sup> Beckwith, Phil<sup>a</sup>, 27<sup>th</sup> June 1781.*  
(*Rec<sup>d</sup>. 1<sup>st</sup> July*).

Your letter of the 30<sup>th</sup> May came to hand, but not till the 23<sup>d</sup> ins<sup>t</sup>. I return you many thanks for your readiness to serve me with supplies, etc. Nothing material since my last from the southward, nor indeed from any other quarter. The purport of the Dispatches which came over with the French Admiral I gave you in my last. Those which came by the *Alliance* to Boston are nearly the same, with only a few additional circumstances.

Congress are advised that Spain is not so friendly to them as they expected. They have signified to M<sup>r</sup> Jay, their doubts whether or not America would not

which Benjamin Thompson, afterwards Count Rumford, was Colonel, who was another proscribed and banished New England man of note. As such officer, Col. Upham was Deputy Inspector General of the Refugee corps at Lloyd's Neck, in 1781, and from there sent Gen. Riedesel the above report. He was engaged with Winslow in the attack on Norwalk, and with Arnold in that on New London. After the war he went to New Brunswick, where he became Judge of the Supreme Court and a Councillor of the Province, and was highly esteemed for his probity and learning. Called upon to go to England on public business in 1807, he died there in the performance of his duty. One of his daughters became the wife of the Hon. John W. Weldon, Speaker of the Assembly and Judge of the Supreme Court of New Brunswick; and their son is the present Charles W. Weldon, one of the most eminent lawyers of the Dominion of Canada and Member of the Dominion Parliament for the City of St. John, New Brunswick, to whom the writer is indebted for very many of these facts, communicated under his own most hospitable roof at St. John, a few years ago. A good sketch of Judge Upham is given in II. Sabine's *Loyalists*, p. 372.

\* "N. Marks" was Capt. Nehemiah Marks, a Connecticut loyalist of Derby, who held under Clinton precisely the same position as Lt. Caleb Brewster, mentioned in entry of 4 Feb., 1781, did under Washington—agent on Long Island Sound for obtaining and sending intelligence and despatches from within the enemy's lines—and like him was bold, determined and successful. Marks went to Nova Scotia after the war, and thence to St. Stephen, New Brunswick, where he died in 1799, leaving a large and highly respectable family.—II. Sabine, p. 47. "Capt. Glover" is the same mentioned before in entry 1st March and note thereto.



take some advantage of their South American colonies, in case their Independance was established. Those jealousies Congress are about to remove if possible. What offers they will make to Spain to do it, is not yet known. They are advised by their great and good Allies the French that every nerve is strained in order to obtain good terms for them. The queen of France has wrote a letter with her own hand to the Emperor, in order to soften and bring him over to our interest. The King of France has instructed his ministers at the different Courts, who are to be mediators at the grand Convention, to endeavour to find out without loss of time what the temper of and dispositions of those Courts were towards America, and to make it known to him as soon as possible. That as soon as this is known, he promises to forward to us a Dispatch boat, with the opinion and advice of his Court on the Subject; and this Dispatch boat is actually expected in two or three weeks at furthest.

The Dispatches mentioned in my last letter, are not yet gone. There are frequent requisitions from Virginia for Gen<sup>l</sup> Washington to go to the Southward, but to no purpose. I think Congress will not order them there yet; whatever they may do some time hence.

Agreeably to your request I shall in future keep a watchful eye over the trade, and constantly give you a state of the Ports. You will observe that the Ports in the Delaware are all now on the Continent, from which any exports of consequence can now be sent. Therefore there is no other place so material for your Navy to attend to.

Captain —— has been very unwell at his house in Lancaster County for two months past, otherwise I think I should have been able to have mentioned him to you in a way which would give you satisfaction. He has got much better, and is expected in *town*. As soon as he is able to come, I shall then consult him fully and advise you accordingly. I promised to draw on you quarterly, &c., therefore please to give a quarters pay to the bearer, who will bring it to me. I have endeavoured to charge the bearer with as many verbal hints as I can.\*

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*Copy of a letter from a Gentleman in Philadelphia to Cap<sup>t</sup> Beckwith.  
(Rec<sup>d</sup> 1<sup>st</sup> July, 1781.)*

Congress are extremely anxious upon the subject of the grand Convention at Vienna. They look upon it that the rise or fall of our new Empire solely rests

\* As the intelligence in this letter was communicated to Congress only, whose sessions were secret, the writer must have had it from one or more of its members. The same remark is applicable to the succeeding letter from "a gentleman in Philadelphia." The difference in the style of the two letters, however, indicates that both are not written by the same person. All the foreign matters referred to in these two letters, both received the 1st of July, 1781. at Clinton's headquarters, will be found in the second Volume of the Secret Journals of Congress, under different dates running from 28th May to 29th June, 1781, pages 404 to 458.

with them. They have lately rec<sup>d</sup> Dispatches from Dr Franklin, a part of which are in very angry terms: he complains that they have sent a boy to inspect and watch over his conduct; therefore he sends them his Resignation. At the same time he advises them to appoint Commissioners immediately to attend the Convention, and to send over with all possible Dispatch their ultimate instructions upon the subject of peace, &c., &c. Therefore, JOHN ADAMS and JOHN JAY\* are appointed, and a third person is about to be appointed, to represent our New Republic in that Convention. The member which they are about to appoint is to proceed immediately with their dispatches. They are making up the Budget, and Duplicates are to be sent different ways; one to go from this place, one from Boston, &c.†

It is feared that these Commissioners will not be admitted to a seat in that Convention; but in that case it is intended to have them at hand, in order that they may influence and assist the Commissioners of our allies, in all such matters as may relate to America. (Will not those Commissioners be too late in getting there?)

Congress are convinced that the Emperor of Germany is not friendly to them, and they fear much that he will have too much influence over the Empress of Russia.

Our assembly as well as those of New Jersey, and the Delaware States, are now sitting upon the subject of the Paper money. They have it in contemplation to repeal all tender laws, and levy their taxes in hard money. To take off all restrictions on trade, except to what they call the *common enemy*, and to give every possible encouragement to the trade of the French and Spanish Islands. The late very great success which the traders of this place have met with, has led to this measure. A number of arrivals from the Havanna very lately (I believe since my last to you) have brought not less than 200,000 Dollars, besides a very large quantity of sugars, ‡

\* These names are doubly underscored in the MS.

† The answer of Congress to Franklin's indignant action, on account of their sending the younger Laurens on a special mission to France, is in these calm words: "A compliance with your request to retire from public employment would be inconvenient at this particular juncture, as it is the desire of Congress to avail themselves of your abilities and experience at the approaching negotiation. Should you find repose necessary, after rendering the United States this further service, Congress, in consideration of your age and bodily infirmities, will be disposed to gratify your inclination." II. *Secret Journals of Congress*, p. 256, under date of 19 June, 1781. The appointment of Jay and Adams as his co-commissioners is notified to Franklin in the same letter.

‡ The late venerable Major James Rees of Geneva, New York, was at this time, though quite young, a confidential clerk of Robert Morris "the Financier," to whom as a merchant these sugars came consigned. The sugars were but a cover arranged by Morris to get specie. The hogsheads of sugar when they arrived were placed in a particular store of Morris's; and there, at night, Morris and Rees with their own hands broke open the hogsheads and picked the dollars out of the sugar; then re-filled the hogsheads and headed them up. The secret was known only to Morris and Rees, and was never discovered. These among other facts were told the writer of these notes by Major Rees himself, whom he knew intimately for many years. Rees entered the

&c. West India goods are generally as cheap here as in time of peace. I should then, expect that your business as POLITICIANS\* would be to counteract this plan as much as possible, as well by encouraging the sending the produce to you, as by cruising against all such as was intended to be sent for the immediate supply of your enemies.

You will observe that this trade enabled the Spaniards at the Havanna to fit out their expeditions against Pensacola; and without it, they could not have gone at that time. At least  $\frac{2}{3}$ <sup>th</sup> of the provision trade out of the Delaware for six months past, has gone dear.

The present appearance of crops all over the middle colonies, are as great as they ever were in the world.† For Carolina news, I refer you to the Prints, which I expect you will receive herewith. We have nothing more from that quarter, unless it be that Green is making the best of his way back to join the Marquis, &c. We have no very late accounts from him, the communication between that place and this being very much obstructed.

About 30 sail of transports, supposed to be from Europe, with troops, &c., on board, arrived in Hampton road about 10 days ago.

All the late accounts from Virginia agree that Lord Cornwallis is in the neighborhood of Hanover Courthouse, about the head of York River; that the Marquis keeps 30 miles from him, and as near the mountains as he can possibly get.

The militia of Virginia turn out badly. A very vigorous attempt will shortly be made to get the militia of Maryland and this State out. How they will succeed God knows: but I think it will be very badly.

Col<sup>o</sup> Tarleton very lately made an attempt to surprise the Assembly of Virginia who were sitting at Charlotteville; however, they escaped, and got over the mountains, all except 8 or 10, who fell into his hands. He had nearly taken the whole of them.

The Convention troops are just removed into this Province; where they will be stopped, I believe is not yet determined.

I am sorry that I have cause to complain of the treatment of the gentlemen of your Navy. The conduct of the officer of the *Royal Oak*, who was prizemaster on board our Brig<sup>o</sup> *The Adventure* when she was taken into your port, was very unaccountable. He certainly did go on board the prize ship and declared in the Presence of the Prisoners, that [the] *Adventure* had a permit on board, and was loaded with an intent to go to you.‡ This account has been brought here by

counting-house of Morris in 1776, and continued there throughout the Revolutionary War. The warmest of friendship and confidence ever existed between them. It was to attend to Morris's landed interests in western New York, that Rees removed to that region, and he ever after remained there. Many of Morris's letters to Rees were given to the writer by the latter, who was one of the most honorable and high-minded of men.

\* Doubly underscored in the MS.

† The harvest of 1781 proved to be one of the largest in the last century.

‡ The following is the notice of the capture of the *Adventure* in the New York papers: "*New*

sundry persons (since exchanged) and a complaint lodged with Council ; which makes much noise here. What the event will be when the hands return God knows. I fear the Ostensible owners of her will be obliged to go over to you, at least. I stand very clear of suspicion myself, having always kept a good Whig between me and those matters.

The conduct of the Navy officers in this instance seems as if the granting such permits was only intended as a Decoy to get the property of your friends on this side into their hands ; in this case the encouragement for people to risk their lives in supplying your garrison with provisions is really bad. If protection and encouragement was given, you might certainly supply your whole army with flour from this quarter. This I apprehend would not only supply you with it cheaper than you get it from Europe, but it would be taking off hundreds of our busy men \* and bringing them over to your interest.

The war in America is now become a meer Partizan war ; therefore it then remains with you, to make use of every political means in your power to bring over to your party as many as possible of the Inhabitants ; so different is my opinion from that of the officers of your Navy.

PHILADELPHIA, 19 June, 1781.

*York, May 16*, yesterday arrived the brig Adventure laden with 900 barrels of flour, from Philadelphia ; she is a prize to the Royal Oak, taken off Egg Harbour." *Royal Gazette, Wednesday, May 16th, 1781* ; *Gain's Mercury* of 21st May, 1781, copies the above verbatim. This is an example of the trading caried on during the whole war, both by sea and land. Naval officers got no prize-money if the vessel taken proved to have "a permit" ; hence they refused to recognize the permits whenever they possibly could. In this case it seems it was recognized at first and then refused, hence the trouble in Philadelphia. Two years before, in February, 1779, Gen. Maxwell, then at Elizabethtown, N. J., thus vividly describes the *land* permits : "I have had my own troubles with them, but I hope the impropriety of it is properly seen through, and that no person will be permitted to pass into the Enemy's Lines but on very extraordinary occasions, and their business vouched for by some good disinterested person, or persons, before they obtain their pass. But why need I urge these restrictions ? They will then deceive you, or any one, though probably not in such numbers. I verily believe if it were possible for the angels of light and darkness to reside together on this earth, and should those of darkness be about to present a Petition to Heaven, they would get some of the angels of light to vouch for the justness of their Business or intentions."—VII. *Penna. Archives*, 178.

\* "Business men" is here meant.

(To be continued.)

## MINOR TOPICS

### THE SOLDIERS' HOMEWARD VOYAGE

#### A THRILLING EXPERIENCE AT THE CLOSE OF THE LATE CIVIL WAR

On Thursday, November 9th, 1865, the steamer *Merrimac*, Captain Van Sice, laden with cotton, left New Orleans for New York, with thirty officers and 900 men of the Forty-third United States Colored Troops, and some thirty other passengers, civilians and soldiers, on board. The soldiers were in high glee. Many of the officers had been continuously in service since the fall of Sumter, and were weaving webs of brilliant fancies, in which home and wives and sweethearts formed glowing figures of happiness. Marching to the steamer, they passed in review for the last time, the reviewing officer expressing cordial approval of their soldierly bearing. With well-brushed uniforms, good music, the consciousness of passing under the eyes of one of our most brilliant commanders, and above all the bright anticipations of the immediate future, combined to make this the most successful review of our period of service. We left a good impression, and were proud as well as happy.

At the levee the great ship was ready, with steam on and the great cables fastened with a half-hitch. As soon as the major, who superintended the embarkation, stepped upon the deck, we were off, amid the cheers of our men and the multitude of lookers-on, and the strains of "Home, Sweet Home," from the band. It was a novel scene to most of us. In coming from Texas to New Orleans we had passed up the river at night, and had no opportunity for examining the features of that terra incognita which stretches from the Crescent City to the Gulf. The three hours of daylight left us after our departure from the levee were fully occupied in shooting alligators, or rather in shooting at them, for the monsters were little disturbed by our shots. This was fun for the boys, but by no means death to the 'gators.

Our first duty and pleasure was to make ourselves acquainted with our fellow-voyagers, for while our regimental officers were sufficiently numerous for companionship, there were those with whom an enforced residence of a week rendered it desirable that we should know. To this task our evening was devoted. Of the military there were half a dozen young officers of the general staff, whose fair complexions and dapper whiskers formed a striking contrast to our visages, bronzed and hardened by a summer on the Mexican frontier; a stunted Israelite returning with the shekels gained as a camp follower; a Polish lady from Mexico, resplendent in jewelry; a lady from New Orleans, taking the remains of an honored uncle to his old home in New York for interment; a soldier's wife, hastening to the death-bed of her mother; the lieutenant-colonel of a negro regiment just mustered out;



four Yankee "school marms," thoroughly sated with six months' experience in the unreconstructed South; a St. Louis physician and his wife—the latter a lady who preferred the solitude of her state-room to association with "nigger officers," and who exhausted her ingenuity in the effort to deprive her husband of the pleasure of our society—and a dozen or more young business men and commercial travelers. Before retiring we had succeeded in welding the whole into a tolerably pleasant association, with a sincere desire to entertain and be entertained.

On the morning of the 10th the stoppage of the steamer to take on a pilot brought most of us on deck, and in a period all too brief for us, who had hoped to get at least one square meal before reaching New York, we were pitching and rolling in a fierce, chopping sea in the Gulf. A fruitless effort to swallow a few morsels of food was followed by retirement to our state-rooms. We heard that the storm was increasing in violence; that the men who had spread their blankets on deck in order to escape the stifling atmosphere of the steerage had been compelled to go below; that the regimental horses had been thrown overboard, and then all was a blank. Existence was narrowed down to the berth, the deck above, and the dim rays which penetrated the dead-light.

About four o'clock of Saturday, the 11th, our quarter-master, one of the few who had escaped the horrors of sea-sickness, entered a certain state-room, and said to its occupant: "Don't you think you can get up? The steamer heads northwest now, and the captain is very anxious. I am sure something has happened, and I have been prowling around to solve the mystery, but at every turn some of the ship's officers head me off."

"Have you told the major?"

"Yes; but he is too ill to take any interest."

"Well, find out what you can, and let me know. I'll get up if I must, but at this moment even sinking would be a relief."

The officer was not startled. Nothing could startle him in his intense suffering, but the information set him thinking in a slow, confused way, and presently he became aware that there was a change in the motion of the ship. Instead of riding lightly over the waves, she seemed to be butting against them, and would stop and shiver as she struck, and then move heavily, groaning dismally. But the "*ker-ker-chug! ker-ker-chug!*" of the huge propeller was maintained with monotonous regularity, and as thought even was painful, the officer gave it up, and lapsed into the semi-unconscious condition from which he had been temporarily aroused.

About eleven o'clock there was an ominous silence. The ship labored as usual; the great waves dashed against her sides as before; the timbers creaked and groaned; but still there was something missing from the category of sounds. What was it? Gradually the idea took shape. The propeller no longer revolved. What did this mean? But even as the fact forced itself upon the sick man's brain—"Ker-ker-chug! ker-ker-chug!"—the engine had again started. At this moment

the quarter-master again appeared. "Cap, you must get up now. The matter is serious. The ship has sprung a leak, and the water gained so much that the fires were damped so that the engine had to be stopped more than an hour. The major is up, and wants all the officers on deck."

"Have the men (soldiers) been roused?"

"No; that is, not all of them. Captain Van Sice is afraid they will be panic-stricken, and will not consent to have them told. He has only permitted us to tell fifteen or twenty of the non-commissioned officers, and they are now bailing out with buckets."

"Are the pumps going?"

"Yes; but they are in bad condition."

There was no help for it. There are some things worse than sea-sickness, one of which is to be drowned like a rat in a hole; so, choosing the least evil, the officer dragged himself into his clothes and staggered into the saloon. On each side of the companion-way was a line of men passing empty buckets with one hand and filled buckets with the other. Most of these men were of the crew, and it was noticeable that the laggards in the work were entirely among them. It was not encouraging, but it was evident that the seamen had lost heart. In the captain's cabin were gathered the military officers, while huddled together in groups, with pale faces, disheveled hair, and scant raiment, were the other passengers. The consultation in the captain's cabin was brief but eminently satisfactory. The captain was still loth to call the soldiers, while acknowledging that the water was gaining and that he could hope to keep the fires alight but a short time longer. An indignant intimation from one of the younger lieutenants that we were in the majority, and could take matters into our own hands, may have influenced his decision, for he soon gave a reluctant consent, and issued the necessary orders for so preparing as to enable the soldiers to work to the best advantage. It was determined that of the Forty-third, seven hundred men could be relied on for work; but as the captain's plans contemplated the use of not more than three hundred at once, the regiment was divided into two reliefs, and appropriately assigned to duty. The fore, after, and main hatches were opened, and bales of cotton taken out and thrown overboard, until in each a well was made of sufficient depth to allow a hogshead to be lowered into the water. Stout hogsheads were then slung to strong ropes, which were rove through blocks attached to the spars, and then through blocks fastened to the decks. At each fall was stationed a company of men. Besides the gangs at the cabin stairs, gangs were stationed at each corner of the great engine—two men on each of the iron platforms by which every part of the machinery of an ocean steamer is reached,—and at the opening into the hold through the forecabin. When all was completed, there were eight gangs of men with buckets and three hogsheads, with which to keep up the work of bailing.

But it was nearly morning when these preparations were completed, and meanwhile the water was slowly creeping upward, taxing the ingenuity of the firemen to keep it from splashing into the doors of the furnaces.

The officer who had been directing the men at the cabin stairs, overcome with nausea, had been compelled to seek temporary relief in his state-room. Lying in his berth, he was thinking with bitterness of his young wife, now in daily expectation of his home-coming, when the door opened and again the quarter-master, who had been indefatigable in his efforts to stimulate courage, entered to say that the engineer had just reported the water in the ash-boxes, and he would be able to keep the engines in motion but a few moments longer. While speaking the propeller stopped, and nearly a thousand souls were at the mercy of the winds and waves, with nothing to hope from but their own exertions, and the goodness of Divine Providence.

As the propeller ceased revolving, the Israelite passenger burst into the state-room with a face the incarnation of horror, wringing his hands and exclaiming: "Ach, mein Gott! mein Gott! we are got trowned! We are at the bottom of the sea!" and trembling in abject terror. We endeavored to calm him, urging him to help save the ship, but he only asked the question: "Af we gets back der New Orleans, vill dey give me pack my monish und let me go mit der river?" A well-directed boot gave him present pain rather than future safety to think of, and his auditors gave way to hearty laughter.

Pale and trembling, the suffering military captain again took his station on the dining-room table, directing the buckets. A brother officer passing noticed his pallor, and presently returned with a common tumbler three-fourths full of brandy. "Drink that and be happy," said the good Samaritan, and even as the fiery liquid passed down his throat the distressing sensations commenced to disappear. In ten minutes the sea-sickness had given place to a feeling of positive exhilaration, the one thought uppermost being, "We must save the ship." All night long the bucket gangs labored, and the work of preparing the hatches went on, and at daylight every man of the relief on duty was at his post working earnestly at what seemed to be a hopeless task. As the gray light of the dawn began to creep over the mist-covered sea, Captain Van Sice turned to a regimental captain standing near him, saying: "You say you are familiar with the sea?" An affirmative answer being given, he continued, handing him a binocular: "Then, for God's sake, keep a sharp look out for a sail, for if we don't meet one to-day I am afraid we never will."

"Do you consider our situation as bad as that?"

"Yes; the water has gained on us steadily since the engine stopped, and is now washing into the flues of the boilers. If it had not been for your regiment I should have abandoned the ship last night."

"But the hogsheads are at work now; won't they make a difference?"

"I hope so, but there is barely room for the hope. If we can keep the water down to its present level and we escape a severe storm, we may get through, but the chance is a slim one."

The officer obeyed instructions, carefully sweeping the horizon, limited by the

falling rain, while at the same time directing his company, which, manning the falls at the after-hatch, every three minutes brought up a hogshead of water from the hold. Walking away cheerily, and with the trained military step of veterans, they accompanied their monotonous tramp with a plantation melody, occasionally varying the strain by a sudden burst into one of the glorious army songs which had, and still have, so great a power to stir the blood. The triumphant strains of "Marching through Georgia," seemed a singular accompaniment to a fifty-foot tramp forward and backward on the slippery deck of a half-swamped steamer, but it was inspiring, and in the enthusiasm of the moment it is doubtful if many of the men remembered that there was nothing between them and eternity but that constant tramp.

More than one binocular swept the gray horizon that Sunday morning. From the rail, from the quarter-deck, from the shrouds, from the tops, from the cross-trees glasses ranged the surface, but all to no purpose. No sail appeared, and gradually the conviction grew upon us that we would be forced to spend another night in the sinking ship.

All day long the ceaseless tramp of three companies hoisting from the hatches, the great splash of the water from the hogsheads, the rattle of the buckets, and the songs of the men told of the mighty struggle going on. But it was not all discouraging. At noon came the welcome tidings that the water had been lowered three inches. It was no longer a question of doubt. It was a matter of endurance alone, and not a man in that great company thought of fatigue. Every two hours the workers were relieved, and threw themselves down, anywhere, for a brief two hours' repose. As they came off duty each was served with a cup of coffee. As they went on a "jigger" of spirits gave them renewed energy. The log, thrown at intervals during the day, showed our progress to be four miles an hour, with a considerable drift westward. As we were two hundred and forty miles from the Mississippi at the time of the discovery of the leak, and the drifting would carry us some forty miles west of the river, it was calculated that it would require forty-eight hours to strike the coast. Could the men maintain their strength under the constant strain of two days? It was a problem of which none dared attempt the solution. We could only work on until nature refused to obey the will, and then, as Captain Van Sice expressed it, "all go down together."

No change occurred in the situation during Sunday. No harbinger of hope, in the shape of a sail, appeared. The men worked hard and cheerfully. There were but few skulkers, and they were promptly reported by their indignant comrades and dragged out by the officers.

The examinations of the carpenter had developed the fact that the leak was caused by the breaking of the iron supply pipe through which the water for the condenser was taken from the sea. As this pipe passed through the bottom of the ship, it could not be reached. A stream of water six inches in diameter was rushing into the ship, to offset which three hundred men were required to work con-

stantly. Late Sunday afternoon a startling discovery was made. But a few barrels of water remained. As the condenser was relied upon, and that without fire was useless, the torments of thirst stared us in the face. Every two hours a barrel and a half of water was required for coffee. There was barely enough to last till Monday morning. A guard was placed on the supply, with instructions to permit no one to use it except the cooks. It was still raining, and the ship's boats were nearly full. This was so mixed with sea water as to be useless. It was emptied, the boats wiped as dry as possible, and again allowed to fill; the covers were taken from the life-boats housed on the main deck, and arrangements made to save all the water caught in the bellying sails. A full supply of water was insured so long as the rain continued. Fortunately, the rain continued without cessation. To be sure, the dashing spray would saturate the sails, and send bucketfuls of sea water into the boats, but it was, compared with the sea water, fresh, and if the coffee did have a queer taste, it was hot.

And so passed the day, drearily, painfully, but not discouragingly. We had the water under control, and as night fell we felt that thirty-six hours more would put us upon the mud banks of the coast of Louisiana.

The scene on deck as darkness settled down was singularly picturesque and thrilling. Lanterns and torches illuminated the ship from stem to stern, the lurid glow seemingly reflected back from the outer wall of darkness, and causing the ship to appear the center of a halo of her own creation. The dark figures of the men, bowing to the strain as the huge hogsheads were swung from the depths of the dismal hold, and walking leisurely back while the great bucket was again lowered; the shrinking figures of the women passengers, watching with anxious timidity the movements of their preservers (in intent, at least), the restless, nervous movements and sharp commands of the officers, and the constant and cheerful songs with which the labor was accompanied, altogether formed a scene which will remain impressed upon the memory of the actors as long as memory has a place in the economy of life.

In the engine-room the scene was, if possible, still more striking. The vast pile of machinery, fifteen or twenty feet square, and extending from the deck far into the depths of the hold, was surrounded at regular intervals by light iron-work platforms, for the convenience of the engineers in inspecting the various portions of the great engine. Immediately beneath the lowermost platform was the plank flooring, resting upon the ribs of the ship. At each corner of the engine this planking was taken up, in order to permit the men to fill the buckets. The water rushed to and fro with the motion of the ship, usually rising to the waist of the lowermost man, and frequently dashing entirely over his head. The gangs of men were stationed at the corners—two men at each corner of each platform. The buckets were passed upward from man to man until the deck was reached. A man rarely remained at the bottom longer than three minutes. Blinded and half strangled with salt water, bruised with lumps of coal dashed about by the water, he was glad



enough to make room for his relief. On each platform an officer or sergeant saw that no hitch took place in the passage of the buckets. At regular intervals torches were lashed to the railings surrounding the platform. The glare of the torches, the smoke, the dusky yet shining visages of the men formed a picture worthy of the gallery of the Inferno. The roar of the water, at this point unobstructed by cotton bales, was deafening, and yet above it all rose the harmony of fifty voices blending with the deep bass of the rushing waters and the shrill tenor of the tempest.

"There I shall bathe my weary soul  
In seas of heavenly rest,  
And not a wave of trouble roll  
Across my peaceful breast."

About nine o'clock Sunday evening came the welcome sight of the beautiful lights of a steamer on our larboard quarter. Appearing to be on our own course, and not more than half a mile distant, we felt certain that our extreme perils were over. The captain ordered the ship's number to be burned in colored lights, and the gun to be fired. The latter was no easy task. Spray dashed over the fore-castle continually. It was difficult to convey the cartridges into the gun before they were saturated. There were no primers on board, and musket cartridges had to be used to prime the gun. While a hat was held over the vent-hole, the gun was touched off with a cigar. The beautifully colored lights of the steamer came nearer and nearer, we meanwhile sending up rockets, burning blue lights, and firing our gun. But we were doomed to disappointment. The stranger kept on her course, and left us involved in a gloom deeper than the night. We afterward learned that her captain disregarded our appeals because our gun was not fired exactly once a minute.

Another long night passed, and at daylight the water had been reduced a foot. As the light grew stronger, to our intense joy we noticed that the blue water had given place to water of a light green shade—a certain indication of shoaling bottom. Our enthusiasm was somewhat damped, however, by the statement of the captain that the water shoaled very gradually in this part of the Gulf, and we were still nearly a hundred miles from land. It was shoaling, however, and as the men were still good for another day's work, and perhaps more, we were under no further apprehensions, so long as the wind held.

During these anxious hours on deck, how was it in the cabin? To their shame be it said, the only skulkers were those who should have set an example of courage and endurance. One officer of the Forty-third only was included in this category. With the exception of the discharged lieutenant-colonel, an officer of the Forty-fifth Colored, well known to us, and two or three of the business men and drummers, the passengers remained in their state-rooms, resisting all appeals to assist in the labor of saving their own lives. The wife of the St. Louis physician, in response to a request for her husband to join the working force, replied, "There are plenty of

niggers to do that." The staff dandies resolutely kept their berths. The cabin cooks and stewards struck, and moped in their quarters, declining to make any effort to refresh the exhausted officers, when, relieved from a tour of duty, they sought food and repose in the cabin. Learning of this, the New Orleans lady, aided by the school-teachers, went into the galley, routed the cravens, and with their own fair hands prepared food and coffee for the men. From that time until we grounded, there was not a moment when there was not an abundance of food to refresh exhausted nature.

All day Monday the water gradually shoaled, the men working with such energy that at nightfall the water had been reduced another foot. Without water, and the whisky being exhausted, recourse was had to private stores. Twenty barrels of oranges belonging to the captain, and a quantity of lemons belonging to the regiment served to quench the thirst of the men, and twenty or thirty cases of French brandy, the private property of the military officers, purchased in Matamoras, supplied the necessary stimulant. Toward evening a light was seen, and, satisfied that it was a light-house, the captain brought the ship to an anchor. Soon after midnight, for the second time, a steamer was discerned approaching us. Our rockets, blue lights and signal guns soon brought her alongside, when we learned that she was the *Morgan*, bound from Galveston to New Orleans, and upon learning our danger promised to lay by us until morning, and then take us in tow. At daylight a few barrels of water and all her spare buckets were sent to us, and we presently started upon the last stage of our momentous journey. We had struck the Timbaler Light, forty-five miles west of South-west Pass, and were about twenty miles from shore. As the men were all willing to prolong their efforts a few hours, it was decided to make the run to the river, rather than beach the ship where we were. Another long day passed, but all fear had disappeared. There was nothing now but continued exertion necessary. So much was the situation improved that even the skulkers came on deck and attempted to save some remnants of their reputation by proffering their services. The five foolish virgins, however, did not have a harder time of it.

The great ocean steamer, so nearly water-logged, proved a heavy load for the little coasting steamer *Morgan*, and though our progress was as rapid as it had been under sail, we seemed only to creep. At 4 P.M. of Tuesday, Nov. 14, the towing hawser gradually tightened, the ship glided gently upon the bar with an even keel, and we were safe, after sixty-five hours of hardship and toil and peril. Strong men, who had worked constantly with songs and smiles, threw themselves into each other's arms and wept. Others fell on their knees, and with streaming eyes returned thanks to the Almighty. The officers, more accustomed to self-restraint, clasped hands, and congratulated each other upon the courage and perseverance mutually displayed. In half an hour, and for ten hours afterward, there was scarcely a man in the ship who was not locked in heavy slumber.

The striking incidents of our peril were numerous. The little Israelite men-

tioned was a source of perpetual amusement and the butt of many practical jokes. He ran about, wringing his hands and bewailing the loss of his passage money, and received more cuffs and sly trips than sympathy. Wandering near where a company of men were engaged in hauling up one of the hogsheads, a lieutenant seized him, and in stern tones ordered him to assist, under penalty of being thrown overboard. Terror-stricken, the poor fellow laid hold of the rope, but attempted to pull in the wrong direction. As a consequence he was knocked down, the entire company tramping over him, administering sundry kicks and thumps as they passed. Bruised and sore, he drifted into the engine-room. The captain in charge cut the interview short by promptly dropping him down to the next platform, with orders to have him relieve the man in the well at the bottom of the gang. In three minutes, half drowned and bruised with the buckets dropped on his head and shoulders, he was dragged out more dead than alive, and disappeared in the cabin, to be seen no more during the voyage.

The corpse was a standing terror to the seamen. With the superstition of their class, they attributed our disaster to the presence of the "cadaver." On Sunday night, while one of the captains was standing near the case containing the body, an old salt touched him on the shoulder, with the remark: "Say, Cap; we'll never reach shore with that 'ere stiff on board." The lady in whose care the body was being taken to its destination had been so self-sacrificing in her efforts to contribute to our comfort, that there was not a soldier in the regiment who would have stood by and permitted her precious charge to be tossed overboard. The captain who had been addressed settled the question by stationing a guard, with instructions to permit no one to touch it.

On that same Sunday night, when hope was at the lowest ebb, after our desertion by the steamer signaled, an officer lounging about the quarter-deck noticed some of the cabin servants placing bags and kegs in the boat hanging from the stern davits. Examining the packages, he found that they contained provisions and water. It was evident that their intention was to desert the ship. While they were of no use to us, the moral effect of their desertion would have been disastrous. Accordingly each boat was guarded, the sentries having instructions to shoot any man that should attempt to cast them off. The crew were then called together, and made to understand that all would be saved or go to the bottom together. There was no further trouble on that score.

On the 16th, just a week after our departure, we were finally landed once more in New Orleans, minus nearly all our baggage, half of the regiment bareheaded, and many with little save the clothing on their persons. The losses exceeded those of an ordinary battle, and the terror inspired was infinitely greater.

R. G. DILL.

DENVER, Colorado

## AARON BURR AT QUEBEC IN 1775

*Letter from James Parton*

EDITOR OF MAGAZINE OF AMERICAN HISTORY :

In your Number for April, Major-General Cullum calls in question my statement that Aaron Burr, at the assault upon Quebec in 1775, attempted to carry off the body of General Montgomery. I beg to remind your contributor that the chief authority for this part of my narrative was Rev. Samuel Spring, chaplain to the expedition, who saw Captain Burr make the attempt and actually carry the body some distance down the hill. Samuel Spring was father of Dr. Gardiner Spring, long the pastor of the Brick Church in New York. The conduct of Colonel Burr on that occasion made a vivid and indelible impression upon the mind of the young clergyman. I printed a statement to this effect by Dr. Spring in my life of Burr, Vol. I., p. 374. I may add, that the late Rev. Dr. Van Pelt, who attended Burr in his last sickness, and conversed freely with him on all subjects, told me that Burr on his death-bed mentioned that he was close to General Montgomery when he fell, and declared that if he had been in command he would have gone on, after the General's death, and taken the place.

Allow me, Madame, to congratulate you on the growing power and interest of the Magazine so ably conducted by you.

JAMES PARTON

NEWBURYPORT, Mass., March 30, 1884

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*Letter from William Morton Fullerton*

EDITOR OF MAGAZINE OF AMERICAN HISTORY :

The recent death of Wendell Phillips has awakened in many minds recollection of those stirring days before the war, in which the sparks that had been smouldering for years finally began to brighten and to send forth brilliant flashes of light. The riots in Boston streets and the agitation through all these Eastern States, many of us can vividly recall, and among the exciting incidents of that period, none aroused more interest than the case of Anthony Burns.

It is told in history that this slave, having escaped to the North, was seized and lodged in the court-house at Boston; that, after the news of his detention became known, the excitement was so intense that a great mass-meeting was held in old Faneuil Hall, and Wendell Phillips sought to check the headstrong recklessness of the citizens, and deter them from attacking the court-house that night, by telling them that "the zeal which would not keep till the next day would never free a slave;" that, on the following day, battering-rams were used against the court-house by a mob; that one man who opposed the abolitionists was killed; that,

notwithstanding the efforts of these Boston patriots, Burns was carried back to Virginia by order of the President, and restored to his former owner.

Just here the histories stop. The cause of this silence is not because the subsequent circumstances of Burns's life are of no interest, but because it has curiously escaped the notice of historical writers. As far as I know, nothing has been published concerning the slave's life after he was remanded to his former owner. Indeed, no one seems to be aware that he was freed from bondage and came North a second time. Acquainted as I am with these facts, I send you this brief account, believing the readers of your Magazine will be interested in the sequel to his career. Burns, as we have said, was restored to his master, Charles F. Suttle, of Alexandria, Virginia. His return to the South took place in 1854. In Amherst dwelt a Miss Ball at the time, who corresponded with her cousin at Alexandria. The latter being an extreme partisan of slavery, mentioned in one of her letters that Anthony Burns was back with his former master, and she "guessed he would stay there now." To a Northerner such a remark was displeasing, and Miss Ball at once became eager to discover some means of gaining the freedom of the slave. The letter was shown to her father, Rev. Mr. Ball, and to Rev. Mr. Stockbridge, both of Amherst, and through the efforts of these two gentlemen enough money was obtained to purchase Burns. Twelve hundred dollars was the price of the negro, and for this amount Suttle gave him his freedom. Burns immediately came to the North, and for a time lived at Mr. Ball's home in Amherst. This sale of Burns reveals a change of sentiment with Suttle, for when the poor slave was in the slave-pen at the court-house in Boston, negotiations were made in vain with his master for his purchase. The following hand-bill, posted about the streets of Boston, is interesting in this connection :

**"THE MAN IS NOT BOUGHT.**

**"HE IS STILL IN THE SLAVE-PEN IN THE COURT-HOUSE.**

"The kidnapper agreed, both publicly and in writing, to sell him for twelve hundred dollars. The sum was raised by eminent Boston citizens, and offered. He then claimed more. The bargain was broken. The kidnapper breaks his agreement, though even the United States commissioner advised him to keep it. *Be on your guard against all lies.* WATCH THE SLAVE-PEN. Let every man attend the trial. Remember Monday morning at eleven o'clock."

It is evident that Suttle, after he had triumphed over the Northern abolitionists by recovering Burns, had no further wish in regard to him, but was easily induced to sell him for the twelve hundred dollars before demanded. Burns was sent to a Western college to be educated. Here he was taken sick, after a very few months of study, and died.

WILLIAM MORTON FULLERTON.

WALTHAM, Mass.



## NOTES

PHILENIA—Among the manuscripts of an old Kinderhook gentleman long since deceased, who was a great admirer and bosom-friend of John Jay, was the following poem dedicated to the latter gentleman, and written nearly a hundred years ago by Mrs. Morton ("Philenia"), of whose literary productions a critical notice appeared in a recent number of this Magazine. H. C. V. S.

## TO THE HON. JOHN JAY, ESQ.

Born through the paths of fame to move,  
 Grac'd by a grateful people's love  
 Whether the helm of State you guide,  
 Or bid the stormy war subside,  
 Or, to the clement virtues dear,  
 From *Afric* catch the falling tear,  
 Or, with a voice whose dulcet strain  
 Might soothe the sad'ning soul of pain,  
 O'er the stern Courts of Law preside  
 Nor seem to lean on Mercy's side,  
 Or, in thy soft retirement blest,  
 Feel all the Father warm thy breast;  
 Thine is fair Virtue's noblest cause  
 And thine the summit of applause:  
 Nor shall a factious, fraudulent sway  
 E'er tear one Laurel'd wreath away.  
 To thee the generous heart extends,  
 For thee, the patriot's prayer ascends,  
 On thee the *rightful* suffrage falls.  
 For thee the *sacred People* calls.  
 Wronged of their hopes the num'rous band  
 Determined wait thy guiding hand  
 E'en while degraded *Freedom* turns  
 To where defeated *Friendship* mourns;  
 Thus when the midnight's vap'ry breath  
 In clouds obscure the Sylvan heath,  
 No strains of music cheer the vale,  
 No flowret scents the fresh'ning gale,  
 Till the Bright Sun's benignant ray  
 Dispers the gloom and pours the day.

PHILENIA

THE ZERO OF BAPTISMAL NAMES—  
 Zurishhaddi Key, (Tape Weaver from

Manchester) Being about to set up his Trade in Norwich Landing, wants to purchase a Quantity of Linen Yarn.—  
*Connecticut Gazette*, August 29, 1777.

PETERSFIELD

GOVERNOR HUTCHINSON—REV. DR. George E. Ellis says in his article entitled, "Governor Thomas Hutchinson," in the current number of the *Atlantic*: "Though it may seem to be in defiant reversal of the contemporary and the historically renewed and popularly accepted judgment passed upon Hutchinson, the writer will plainly and frankly express the opinion which a careful and candid study of the subject has led him to adopt. Having accepted his office, and bound himself by his official oath to his sovereign, no charge of faithlessness, self-seeking, inconsistency, duplicity, or intentional wrong of any kind can be sustained against him. He neither said nor did, proposed nor advised, adopted nor pursued, anything beyond or inconsistent with the purpose and the duty of a thoroughly upright, well-intentioned, and kindly hearted man. For the most part he controlled his temper, and guarded his utterance under exasperating provocations." The Diary and Letters of Hutchinson, recently published, which inspired these words from an eminent scholar, furnishes ample proof, we are further told, that all Hutchinson's "advice and influence with king and ministry, official and social friends, indicate a man of high integrity, of good judgment, and of noble magnanimity. Not one word or utterance of an embittered or resentful feeling comes

from his pen. When he is brooding over the scrutiny, to which his private correspondence for eight years of contention would be subjected by his heated enemies, he cheers himself with the thought 'that they would find nothing there untruthful, dishonorable, or malicious.'"

GORDON'S HISTORY—Dr. Gordon of Roxbury, near Boston, has, for some time past, been collecting materials for an History of the late Revolution, and, we are told, is now employed in writing this necessary but arduous work. Congress have permitted their Secretary, conformable to the petition of the Doctor to that august body, to lay before him, in order to assist his undertaking, any papers or files, excepting instructions to the ministers at foreign Courts, and acts or records which hitherto have been considered as confidential or secret.—*N. Y. Packet, Sept. 2, 1784.* W. K.

REVEREND STEPHEN JOHNSON—On page 331 of the April Magazine I notice reference to Rev. Stephen Johnson, son of Nathaniel Johnson and Sarah Ogden, of Newark, New Jersey, and sometime a minister at Lyme, Connecticut, and think it possible that the accompanying letter from him to his brother-in-law, David Gardiner, may be of interest in this connection. Rev. Stephen Johnson was a man of refinement, culture and of considerable parts. Previous to the breaking out of the Revolution he was

active in advocating resistance to the king, and was the author of the first printed article pointing toward unqualified rebellion. After the commencement of the struggle for Independence he was chaplain in the Continental Army. His first wife was Elizabeth, daughter of William Diodati, a descendant through a long line of Italian Counts, Generals, Gonfaloniers, etc., from Cornelio Diodati of Lucca, 1300. His second wife was Mary Blake, daughter of John Gardiner, 5th Lord of the Manor of Gardiner's Island.

DIODATI

(The letter.)

Dear Brother,

I sho'd have been glad of a few lines from you by our Hon<sup>d</sup> Father, but am free to Excuse it on account of the Unexpected hurry in which he came away—but hope you will make up for Silence in a personal Visit to us in a little while. I forgot to send your Smollet last fall but have Sent it by this opportunity. Give you thanks for the use of it—have tho't of making our Visit to my Parents in the Jersies the beginning of June by the way of Long Island. On that supposition we hope to see and spend some time with you upon the Island.—No remarkable news—Excepting by conversation with some of the Judges of our Superior Courts and Some other Gent<sup>le</sup> the Last week I perceive 'tis pretty probable the Government in this N. America will Likely have Some new modeling at home, if so the Colony of Connecticut perhaps may be more interested in it than some others—'tis a very remarkable time of health Thro' the Country—Your Sister is with me in our Kind Love to—

Who am Your  
Affectionate Brother  
Stephen Johnson.

Lyme in Connecticut  
12 April, 1763.

## QUERIES

BROWN (ix. 71.)—Through my pamphlet on "Oliver Brown"—who served in the Revolutionary War from Lexington to Yorktown, destroyed the statue of George III. in New York, settled and died in Virginia on the Ohio River—a very interesting fact has lately come to my knowledge. In the band of "Mohawks" who destroyed the tea in Boston harbor (at which Capt. Oliver Brown was present), there was another person named *Brown*, who also became a Captain in the Revolutionary Army, and was stationed on the Ohio River in Virginia before and after the close of the war. He moved subsequently to Florida, married, and at his death in 1835 left one son.

The friend who narrated his history to me says: "Brown was a tall, strong, and sinewy man when I met him at St. Mary's, Georgia, in 1834; even in his extreme age full of interesting anecdotes, honest and simple, with not even a spice of boasting. His son had 'taken up' with a colored woman, and the old father declared that the property he had worked hard to accumulate should not go to these mulattoes. He was then on his way to Massachusetts in pursuit of some relatives for his heirs—if haply he might

find some—when he was taken sick at St. Mary's and had to return to his plantation on the St. John River. At St. Mary's he met a young physician from Bridgeport, Conn., Dr. Fredrick I. Judson, who attended him back to his plantation and was afterward called to visit him professionally, and as a friend. Capt. Brown took a strong liking to Dr. Judson and by will left him his plantation and negroes worth about \$20,000. The son entered suit for the estate, and after a tedious trial a compromise was effected. Brown, Jr., enjoyed the estate for his life-time and then it came to Dr. Judson. The "Brown-Judson negroes" were for years a nuisance along the St. John's River almost down to the Civil War. Subsequent to the death of Brown, Jr., and Dr. Judson, the widow of the latter, his third wife, moved to New Haven to educate her children. Dr. Judson was graduated from Yale College, A. B. 1824, M.D., 1829, and died 1862. Who was this Brown?

HORACE EDWIN HAYDEN

CAN any of your readers inform me what became of the plates of the portraits contained in Herring and Longacre's "National Portrait Gallery"? F.

## REPLIES

WEBSTER CHOWDER [xl. 36c]—Soon after my marriage (a quarter of a century ago) a kind parent handed to me Daniel Webster's directions for boiling potatoes. I have followed the recipe with approbation and now venture to send it as a proof that Mr. Webster was skilled in

the culinary art. "Let the potatoes be peeled early and thrown into a basin of cold water till time to cook them. Let them be boiled in a good deal of water. When done, pour off all the water, shake up the potatoes a little, hang on the pot again, and let the potatoes dry two or

three minutes, and then bring them to the table."

I am sure Mr. Webster made a delicious chowder, and would like the recipe.

LUCRETIA

WEBSTER CHOWDER [xi. 360]—Daniel Webster *was* famous for his chowder, and I append his own recipe for it for Minto's particular benefit.

"DANIEL WEBSTER'S CHOWDER for a large fishing party—Cod of ten or twelve pounds well cleaned, leaving on the skin, cut into slices of one and a half pounds thick, preserving the head whole, one and a half pounds clear fat salt pork cut in thin slices; do the same with twelve potatoes. Take the largest pot you have, try out the pork first, take out the pieces of pork, leaving in the dripping; add to that three parts water, a layer of fish so as to cover the bottom of the pot, next a layer of potatoes, then two tablespoonfuls of salt, one teaspoonful of pepper, then the pork, another layer of fish, and the remainder of the potatoes; fill the pot with water enough to cover the ingredients, put it over a good fire, let the chowder boil twenty-five minutes; when this is done have a quart of boiling milk ready and ten hard crackers split and dipt in cold water, add milk and crackers, let the whole boil five minutes, the chowder is then ready and will be first rate if you have followed the directions. An onion is added if you like that flavor."

M. G. P.

WEBSTER CHOWDER [xi. 360]—Webster learned the art of making good chowder from his neighbors at Marshfield. The people were in the habit of

coming seven or eight miles across the country for a day's fishing in the sea. It was customary on their return to the shore to have a chowder cooked. Webster had a stable near his boat-house on the beach, which the farmers were allowed to use for their teams. Harvey relates an anecdote of Webster sending fish from his house to a party of these excursionists who were unsuccessful in their sport, that they might enjoy their usual pot of chowder.

M. E. T.

MRS. WEBSTER MADE THE CHOWDER [xi. 360]—Daniel Webster wrote from his home at Marshfield, July 29th, 1851. "We went a-fishing yesterday and brought in a good fare; but we did not catch a halibut, nor did we see or hear of a single haddock; there are a few mackerel in the bay, of an uncommonly large size, and we have just had one for our breakfast \* \* \* \* Mrs. Webster is making us a nice chowder for our dinner to-day out of a codfish, very large and grey, which Mr. Blatchford took yesterday at a quarter past two o'clock. \* \* \* \* It is likely that after the dish of chowder we shall be so fortunate as to have some nice baked beans with a little slice of pork. If you were here we should invite you to partake of these good things."

The Mrs. Webster referred to was his second wife Caroline, daughter of Herman Le Roy, of New York. His guest was the well known Richard M. Blatchford, father of the Hon. Samuel Blatchford of the U. S. Supreme Court.

It is singular that the names of three distinguished men, who have been honored with statues in New York city,

should have been identified with preparations of food, viz.: *Webster* with chowder; *Washington* with pie; and the illustrious liberator of Colombia with the school-boys' favorite *Bolivar*.

#### PETERSFIELD

WEBSTER CHOWDER [xi. 360]—It is a well-known weakness of all true lovers of angling not only to direct how to catch, but to properly cook fish. Daniel Webster used to boast that he could "plank shad" with any Negro on the Potomac. He early experimented in improving the old convenient dish of boiled fish, pork, and potatoes, that had been a favorite at Plymouth and its vicinity, since the Pilgrims on their arrival there boiled clams with corn after the Indian fashion.

Yachters, piscators and artists, during their summer trips, often attempt, with varying success, a concoction of fish and clams for an out-of-door lunch. The amateur cook has generally to consume most of the preparation as a proof of his skill. Members of the "Pot-Luck Club" frequently give points to verdant reporters as to the proper condiments necessary for a perfect success. The true "*Webster chowder*" has preserved its reputation, and will pass down to future generations of picnickers as a perfect and wholesome dish.

MONTAUK

FLAGS OF THE REVOLUTION [xi. 260, 360]—The letter of the American Commissioners is dated Passy, 9th October, 1778. The correspondence is printed in the diplomatic correspondence of the American Revolution, I. 469. MINTO.

#### FIRST PIECE OF ARTILLERY [xi. 360]

—A twenty-four-pounder was cast at Reading Furnace, Pa., March 21, 1776. During the same year there were thirty-one 12-pounders, and sixty-one 18-pounders cast at Warwick and Reading furnaces for the State of Pennsylvania. Joseph Huff writes under date of "Hibernia Furnace, N. J., Nov., 21, 1776.—The above works are now employed in making cannon, large round shot, grape-shot, etc." Dec. 20, 1776, Daniel Joy makes report to the Council of Safety of Pennsylvania of the proving of two brass cannon cast by Major Doxley. One of the guns burst, and the muzzle of the other was injured so that it had to be sawed off. Cannon were cast in Virginia about this time, but I am unable, at this moment, to find the account.

It may be proper, although it does not come within the request made by Dorp, to state that Captain B. Stoddart, in a letter to Gov. Clinton, dated New York, July 30, 1750, says: "Three leagues to the westward of this [Trois Rivières] there is a very fine iron mine, where they have a large furnace and fine forges, and there is a report current that they cast cannon, etc., at that place; I saw the moulds of several, and one (cannon) which they had attempted to cast but was spoilt in the casting. This mine is the sole property of the king, and I was told that four hundred of his men were daily employed here."

I. C.

ALLEGHENY, Pa., March 29, 1884



## SOCIETIES

NEW YORK HISTORICAL SOCIETY—At the regular meeting of the Society, April 1, the chair was taken by Benjamin H. Field, Esq., Second Vice-President, who announced to the Society the decease, at his residence in this city, on Thursday, March 28, of the Hon. Augustus Schell, President of the Society.

On motion of Dr. George H. Moore, it was referred to the Executive Committee to prepare a suitable memorial notice of the late President for the records, and provide for such further action on his death as may be proper on the part of the Society.

The paper of the evening was a most interesting one, contributed by the eminent scholar Dr. John Gilmary Shea, on "Columbus and the Men of Palos," in which, in his usual concise and perspicuous manner the learned lecturer gave the results of recent examinations of the Spanish archives bearing upon the ever-interesting subject of the great navigator's career, especially upon his relations with the Pinzons.

The following gentlemen were elected members of the Society: Capt. Cesareo Fernandez Duro, of Madrid, Spain; Rev. John Livingston Willard, Thomas L. Feitner, Alrick H. Man, Charles C. Beaman; Frederick S. Church, Bleecker N. Mitchill, Henry Walter Webb, Hamilton McK. Twombly, George W. Vanderbilt and Rev. W. R. Huntington, D.D.

THE RHODE ISLAND HISTORICAL SOCIETY—The regular quarterly meeting of this Society was held on the evening of April 1, in the Cabinet building, President Gammell in the chair. After the

business session, which embraced a discussion of the proposed publication of a volume on early Rhode Island history, by the Society, several members read brief papers or made short addresses on various interesting topics. Dr. Parsons read two or three grandiloquent elegies written on ancient celebrities, including a quaint set of verses on Thomas Savage, one of the old Massachusetts sages of 1682, in which the poet lamented the fact that death should have the audacity to take men of high degree instead of confining his attacks to the "peasantry," as he should; also some amusing though intended serious verses on Thomas Willett, the first Mayor of New York city. It was incidentally mentioned that the Newport Magazine will hereafter be called the "Rhode Island Magazine," and the interest and support of the members of the Society were bespoken for it.

GEORGIA HISTORICAL SOCIETY—The regular April meeting was held on the evening of the 7th at Hodgson's Hall, President General Henry R. Jackson presiding. Among other communications was one from W. Grayson Mann, accompanying the specimen of bog oak found buried near Lake George, Florida, and presented to the society. The communication also referred to an ancient cannon, a 32-pounder, supposed to have been Oglethorpe's cannon, which Mr. Mann presented to the society.

J. J. Abrams, Esq., presented to the society the original drawings made by the Engineering Department of North-

ern Virginia, showing the lines of the armies in a number of important battles during the war. A copy of the transactions of the Oneida (N. Y.) Historical Society was presented by its Secretary, C. W. Darling. T. M. Cunningham, Esq., presented to the society a box of curiosities, including a number of slate impressions of ferns and plants, iron ore, etc., from this State and Alabama.

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CHICAGO HISTORICAL SOCIETY — A monthly meeting of this society was held in its hall, 140-142 Dearborn Avenue, on the evening of March 18, 1884. Hon. John Wentworth, Vice-President, occupied the chair. A resolution of thanks was tendered Mr. James H. McVicker for the presentation of a life-size oil portrait of the late Hon. John B. Rice, ex-Mayor and member of Congress from Chicago. General Geo. W. Smith was introduced and read an interesting paper and extracts from letters, formerly belonging to Elias K. Kane, the first Secretary of State of Illinois. The thanks of the society were tendered to General Smith for the large and valuable collection of letters donated to the society.

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ONEIDA HISTORICAL SOCIETY — The regular monthly meeting was held in the Library building, at Utica, on the evening of March 31. Hon. Warner Miller, of Herkimer; Geo. W. Schuyler, of Ithaca; and Solomon Griffiths and N. Curtis White, of Utica, were elected members. Valuable donations were acknowledged by Secretary Darling, after which Mr. Batchelor offered resolutions as follows:

*Resolved*, That the standing committee on the Oriskany monument be appointed as the permanent committee of arrangements to perfect and carry out the details of the formal dedication.

*Resolved*, That said committee shall have power to add to its number such persons as it shall select.

Rev. Dr. Isaac S. Hartley presided at the meeting in the Hall, and first introduced Thomas W. Seward, who, in a short address, paid an admirable tribute to the memory of the late S. Wells Williams. Rev. S. G. Visscher then read an able and valuable paper on "The Military Record of Colonel Frederick Visscher," which touched upon many historical events in the Mohawk Valley. At the close of the exercises the following resolution were adopted:

*Resolved*, That the society is pleased to learn that much progress has been made in the arrangements for the celebration of the centennial of the settlement of Whitestown; that the monument is nearly completed, and that speakers have been engaged who will be likely to contribute materially to the interest of the occasion. As much of the promised pleasure of the anniversary will consist in the gathering of descendants of the early settlers for the purpose of an after-dinner review of the events of our early history, and as many of these descendants are now living in far distant places, and the addresses of some of them not easily obtained, we would respectfully request the general committee on the celebration to initiate measures for the selection of the most proper persons to be invited, and to ascertain their addresses in order to transmit them seasonable invitations.

## BOOK NOTICES

**MEMOIR OF THURLOW WEED.** By his grandson, THURLOW WEED BARNES. Vol. II. 8vo, pp. 617. New York, 1884. Houghton, Mifflin & Co.

This volume is an interesting study from whatever standpoint it may be regarded. It is something more to the reader of to-day than the pen portrait of a great politician. It would be impracticable for a grandson to sketch such a life as that of Thurlow Weed and fill the full measure of public expectation. The very nearness of the author to his subject precludes certain possibilities attainable in biography only through longer range of vision. Mr. Weed was in many respects an intellectual giant. He was also a man to be loved; and those who knew him as a father and a friend best understood the secret of his hold upon the human heart. His great strength, his self-control, his forgiving and redeeming characteristics, and his uniform kindness and generosity, endeared him to his family in the same ratio as he commanded the homage of admiring contemporaries to his latest breath. It is the man rather than the memoir that interests the world. Mr. Weed's own magnetic words as given in the first volume of the work—the autobiography—will eclipse any memorial composition that may ever follow, whatever its merits. Mr. Weed's opinions of other men whet the appetite more sharply than any biographer's opinion of Mr. Weed. Mr. Barnes, in recognition of this fact, has quoted scraps of autobiography not hitherto published, and letters of public and private significance; his aim seems to have been to fill the gaps in the volume of autobiography, and to carry out as far as possible the original purpose of his grandfather—interrupted to the regret of all—in the continuation of the story of his public career. Mr. Barnes has executed his work with zealous and scrupulous fidelity, and, although in handling the great mass of priceless historic material which, during the last half century and more, has accumulated in Mr. Weed's library, he has not distinguished himself always by the wisdom of his selections, he has certainly produced a book of value. It overflows with nuts of history. The generation of readers who have just escaped (by coming upon the stage too late) familiarity with the stirring events of the period when Mr. Weed was a political power in himself, individually, will appreciate the information contained in this stately volume. Mr. Barnes may be fully pardoned for his enthusiastic and affectionate sympathy in the political methods and prejudices of his subject. He could not have written otherwise. The knowledge of the near past which the work unfolds commands respect all the same; and it is the special

knowledge that when presented in authentic guise becomes fascinating in the same ratio as it is more difficult to obtain than well-cured and more remote history.

**PETER THE GREAT, EMPEROR OF RUSSIA.** A Study of Historical Biography. BY EUGENE SCHUYLER, Ph.D., LL.D., 2 vols., octavo, pp. 1,000. With upward of 200 illustrations. 1884. New York: Charles Scribner's Sons.

The papers which form these handsome volumes originally appeared as a serial in the *Century*, from which magazine they have been collected, re-arranged, largely re-written, and are now given to the world in convenient and permanent form. Mr. Schuyler has made good use of his opportunities, and the production is creditable to American scholarship. The career of Peter the Great spanned so long a period of time, and was so completely identified with the development of Russia, that it could not fail to interest the reading public, even if the story had been told in a much less concise and pleasing style. The truth has in it all the elements and fascinations of romance. Peter was many-sided, and there are dark pages in his history. But the author, in confining himself to well verified statements and facts, as he evidently has done, could not otherwise than make from such material an attractive book. We miss color and warmth and enthusiasm in many instances from its pages, and are frequently tempted to complain of the want of a general summary of Peter's contradictory and extraordinary characteristics; but we find the life we are following so full of incidents—from boyhood to the grave—that we become absorbed in its perusal and instead of criticising, heartily commend the care and industry and skill which has brought so much of useful information into so compact a compass. The peculiar circumstances of Peter's boyhood, his travels and sojourn in Holland and England, his reformatory measures, his troubles with other nations, the rapid growth of his power, his court intrigues, and conspiracies, and his barbarous punishments, are faithfully recorded in these pages. The illustrations add greatly to the satisfaction of the reader. Particular mention should be made of an elaborate map of Europe, prepared especially for this work. There is also a very fine map of Russia in the time of Peter, at the close of the first volume, and a genealogical table of the Romanoff and Holstein-Gottorp Dynasties at the close of the second volume. The work has also an admirable index.

CHICAGO HISTORICAL SOCIETY COLLECTIONS. Vol. II. BIOGRAPHICAL SKETCH OF ENOCH LONG. An Illinois Pioneer. BY HARVEY REID. 8vo, pp. 134. Vol. III.—THE EDWARDS PAPERS. Being a portion of the Collection of the Letters, Papers, and Manuscripts of Ninian Edwards, presented to the Chicago Historical Society by his son, Ninian Wirt Edwards. EDITED BY E. B. WASHBURN. 8vo, pp. 633. Chicago, 1884. Fergus Printing Co.

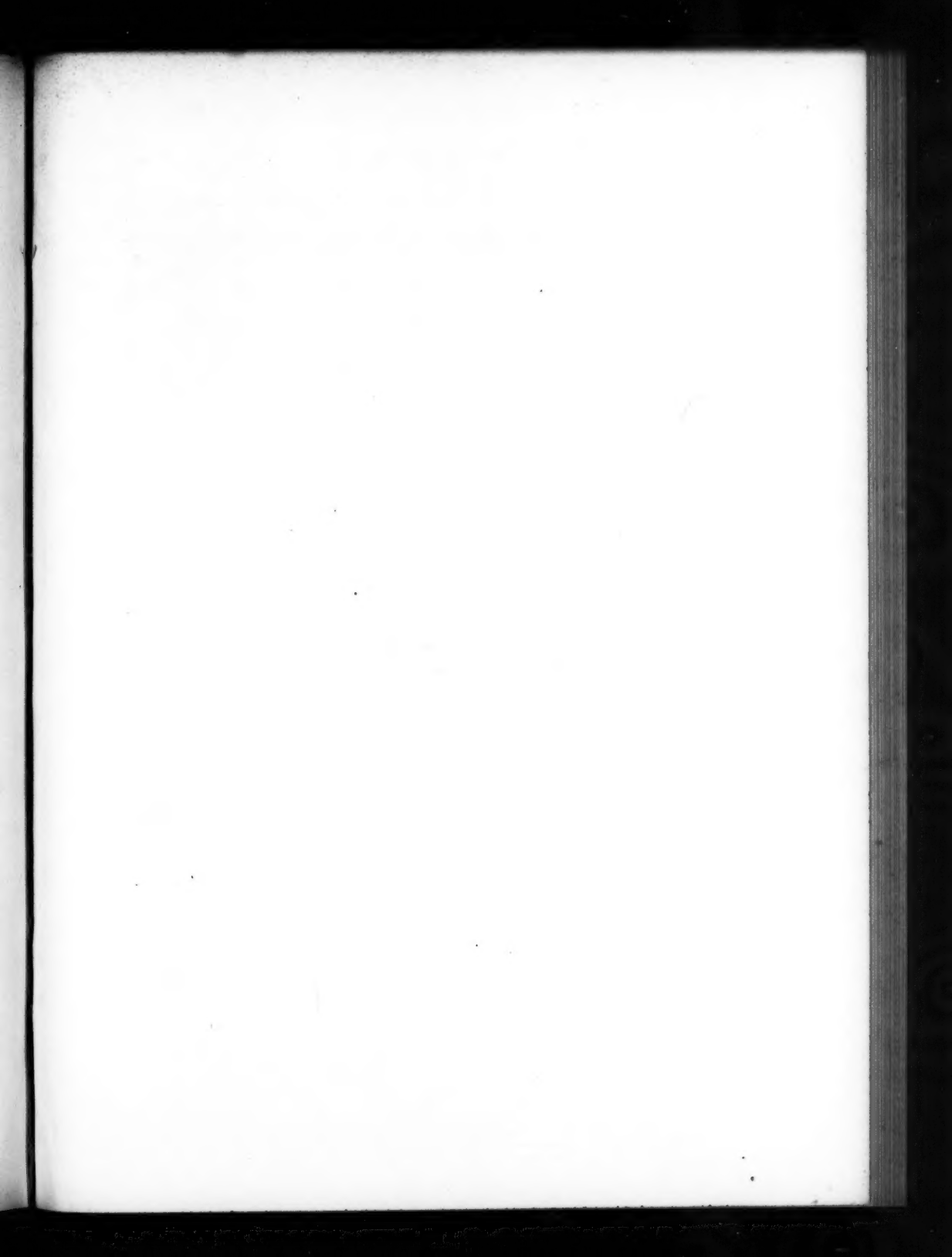
These valuable contributions to the historic literature of our country are elegantly printed, and illustrated with fine steel portraits. Enoch Long was associated with the first Sunday schools in Illinois, with the early Temperance and Anti-slavery movements, and with educational matters of moment. He was born in Hopkinton, New Hampshire, in 1790, and died in Sabula, Iowa, in 1881. In 1813, he traveled on foot to what was then the "far West," a little beyond Rochester, New York; and soon after joined the American army on the Niagara frontier, serving honorably his country until the close of the war. His life, from that period until his death, was one of substantial worth and work, and Christian usefulness; and it was closely identified with the marvelous development of the great Western States. The author and the Chicago Historical Society acknowledge their indebtedness to the public-spirited generosity of the scholarly Levi Z. Leiter for the means with which to publish this volume.

The Edwards manuscripts, which form the noble Vol. III., are of exceptional interest and importance. No more competent editor could have been secured for their arrangement and preservation in book form than Elihu B. Washburne, so long in the public service of the nation. Ninian Edwards was the Chief Justice of the Court of Appeals of Kentucky; the first and only Governor of Illinois Territory; one of the first two United States Senators from the State of Illinois; and the third Governor of Illinois as a State. He was born in Maryland in 1775, and at the age of twenty removed to Kentucky, where he was elected a member of the State Legislature before he was of age. President Madison appointed him in 1809 to administer the government of the Territory of Illinois, which position he held until 1818. During the early years of our century he held friendly relations with Henry Clay, John Pope, Albert Gallatin, John J. Crittenden, Joseph Charles, the founder of the *Missouri Republican*, Daniel P. Cook, Thomas H. Benton, and other men of eminence, and many of their letters are here published for the first time. As we turn the pages, we find also letters from President Monroe,

Daniel Webster, Sidney Breese, Martin Van Buren, Rufus King, William Wirt, John C. Calhoun, John Quincy Adams, Hugh Nelson, and many others of national fame. The book is literally a historic mine, and will be priceless to all students who seek for a clearer view of the movements and events of the epoch which its contents cover. The publication of the volume was at the individual expense of Chicago's great merchant, Marshall Field; and not only the Chicago Historical Society, Chicago herself, and the surrounding West, but historical scholars everywhere and the general public, may be congratulated on the intelligent liberality of Chicago's esteemed citizen. The manuscripts were contributed by Ninian Wirt Edwards, the son of the distinguished Governor.

THE DEARBORNS. A Commemorative Discourse of the Eightieth Anniversary of the Occupation of Fort Dearborn, and the First Settlement at Chicago: Read before the Chicago Historical Society, December 18, 1883. BY DANIEL GOODWIN, JR. With remarks by Hon. John Wentworth, J. Young Scammon, E. B. Washburne, and Isaac N. Arnold. Pamphlet, pp. 56. Chicago, 1884. Fergus Printing Co.

Major-General Henry Dearborn, we are told by the eloquent orator, from his twenty-fourth to his thirty-third year, was personally present and personally fought with gun and sword at Bunker Hill, Quebec, Saratoga, Monmouth, and Yorktown; and his commanders were as varied as the territory over which he fought. In March, 1783, he wrote in his journal: "Here ends my military life." He was sent to Congress in 1792 and 1795, and held the office of Secretary of War from 1801 to 1809. In 1812 he was appointed senior major-general of the army raised to carry on the war with Great Britain; and his son, Henry Alexander Scammon Dearborn, at the age of twenty-nine, was made collector of the port of Boston, and commander of the military of that city. They were both remarkable men, and their united history represents two generations of the military, political, social, and business operations and vicissitudes of America. The discourse of Mr. Goodwin is one of great power, admirably presented, and of the highest interest—"A prose poem, with the accuracy of history." The work contains a well-made index, and also the tablet accompanying the portrait of General Henry Dearborn copied from Gilbert Stuart's painting, which was presented to the Chicago Historical Society by Wirt Dexter, Marshall Field, John Crerar, N. K. Fairbank, E. W. Blatchford, Daniel Goodwin, Jr. and Mark Skinner.







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## DEFENSES OF NARRAGANSET BAY, RHODE ISLAND

### HISTORICAL SKETCH

ROGER WILLIAMS, the great and good man who initiated the Christian colony of Rhode Island in 1636, was so just in all his dealings with the native Indian tribes, that peace and good will reigned for many years within its borders. But, after the beheading of Charles I., the government of England being in a very unsettled condition and much discord existing among the people of the colony, it was ordered, in 1650, that all of its arms should be thoroughly repaired, and that each town of the colony should be required to build a magazine.

When a new war broke out between the Narraganset and Long Island Indians, the people of Providence became alarmed by some hostile demonstrations, and, therefore, in 1656 erected a fort on Stamper's Hill. It was so called because that, soon after the settlement of Providence, when a body of Indians approached the town in a threatening manner, the inhabitants, by running and *stamping* on this hill, made the hostiles believe that they were greatly outnumbered. The ruse had its desired effect; the Indians quickly retiring. This fort was probably the first ever erected by the colonists in Rhode Island.

The war of 1664, between England and Holland, during which the Dutch settlements in America were captured by the British aided by the colonists, showed the necessity of sea-coast protection against armed cruisers; hence, in 1666, Rhode Island petitioned the home government to erect fortifications for the defense of Narraganset Bay. The report that a Dutch fleet was on its way, in 1667, to recover New-York, produced great alarm in the colonies. Hence the General Assembly of Rhode Island took every precautionary measure for defense, and recommended that Newport should mount great guns for its protection; but no permanent fortifications appear to have been then erected.